



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, September 23, 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. SCHEDULED BUSINESS
 - a. Business from the Public
 - b. Adoption of Resolution
 - 1) Adopting an Affirmative Action Plan. [Pages 1-16]
 Action: _____ RES. NO. _____
 Action: _____ RES. NO. _____
 - c. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) July 20, 2009, Work Session. [Pages 17-18]
 - b) August 24, 2009, Work Session. [Pages 19-23]
 - c) August 26, 2009, Regular Session. [Pages 24-27]
 - 2) Renewing the Automatic Aid agreement with Adair Rural Fire Protection District. [Pages 28-32]
 - 3) Applying for the Oregon Association Chiefs of Police Safety Belt/Three Flags Traffic Safety grant.
 [Pages 33-34] RES. NO. _____
 - 4) Accepting an Energy Efficiency and Conservation Block grant from the U.S. Department of Energy.
 [Pages 35-36] RES. NO. _____
 - 5) Accepting a water easement from Linn-Benton Community College. [Pages 37-41] RES. NO. _____
 Action: _____
 - d. Report
 - 1) Authorizing the City Manager to sign an intergovernmental agreement with Oregon Department of Transportation for safety improvements along Highway 99E. [Pages 42-52]
 Action: _____
5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Work Session October 12, 2009
 Regular Session October 14, 2009
7. 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.



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: *D. Shaw*
David Shaw, Human Resources Director
DATE: August 27, 2009, for the September 23, 2009, City Council Meeting
SUBJECT: Affirmative Action Plan
RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Adopt one of the attached resolutions depending upon the Council's direction from the September 21 work session.

Discussion:

Executive Order 11246 requires federal contractors to develop and implement a written affirmative action plan (AAP). The Executive Order defines an AAP as "a set of specific and goal-oriented procedures to which the contractor commits itself to apply every good faith effort" to ensure that applicants for employment, and current employees, are treated without regard to their race, color, religion, sex, or national origin.

As part of the AAP, the Human Resources Department conducts annual utilization analyses of the City's workforce compared to the presence of women and minorities in the Linn County civilian workforce. Based on the results of the utilization analyses, the City establishes efforts to reduce or overcome any underutilization identified. Good faith efforts may include, for example, expanded activities in outreach and recruitment to increase the pool of qualified women and minorities. The City does not establish set-asides or quotas to hire candidates from specific groups.

The City has received federal funds in the past and most likely will desire to receive federal funds in the future. The City has a current Affirmative Action Plan, which was adopted by Council Resolution in 1994. The revised 2009 Plan recognizes changes in policies, definitions, terminology, and recruitment strategies that have occurred over the past fifteen years.

Staff has not identified any legal reason for the Affirmative Action Plan to be formally adopted by resolution. We have also surveyed other jurisdictions. Of those that have an AAP, none of their Councils formally adopt changes to their AAP. On the other hand, formal adoption of the AAP by the Council would send a message to the community regarding the City's commitment to seek and retain a workforce that is reflective of our labor market.

Depending on the Council's direction, staff will bring back to you either a resolution repealing the 1994 AAP and adopting the 2009 AAP; or a resolution that repeals the 1994 AAP and directs the City Manager and Human Resources Director to promulgate future AAPs.

Budget Impact:

None.

DH:ldh

Attachments 2

RESOLUTION NO. _____

A RESOLUTION REPEALING RESOLUTION NO. 3354, WHICH ADOPTED THE CITY'S AFFIRMATIVE ACTION PLAN

WHEREAS, the City last updated its Affirmative Action Plan in April 1994; and

WHEREAS, there is no legal reason for the Affirmative Action Plan to be adopted by Council resolution.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution No. 3354, which adopted the 1994 Affirmative Action Plan, is hereby repealed; and

BE IT FURTHER RESOLVED that future Affirmative Action Plans may be promulgated by the City Manager and Human Resources Director.

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2009.

ATTEST:

Mayor

City Clerk

RESOLUTION NO. _____

RESOLUTION ADOPTING AN UPDATED AFFIRMATIVE ACTION PLAN FOR THE CITY OF ALBANY, OREGON

WHEREAS, the City of Albany is committed to nondiscrimination in all aspects of employment; and

WHEREAS, an Affirmative Action Plan is required of federal contractors by Executive Order 11246; and

WHEREAS, the City has been a federal contractor in the past and may desire to be a federal contractor in the future; and

WHEREAS, the City last updated its Affirmative Action Plan in April 1994.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it hereby adopts the attached updated City of Albany Affirmative Action Plan; and

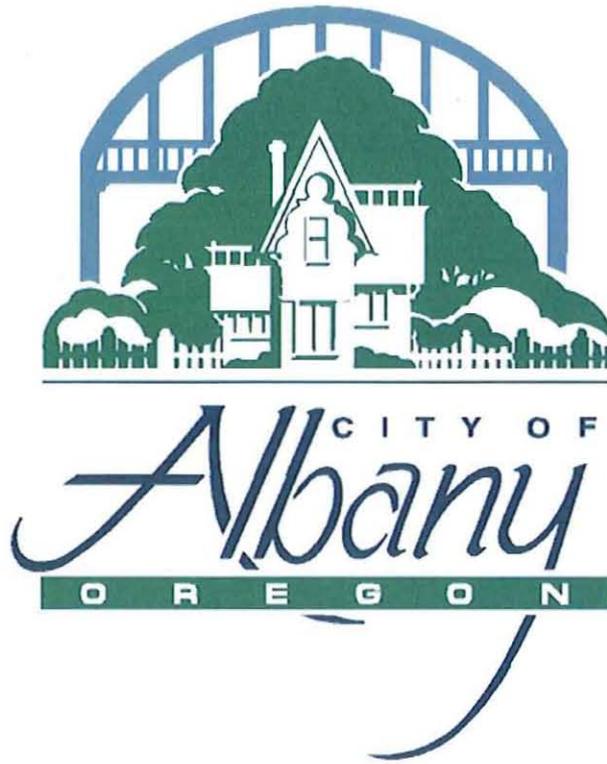
BE IT FURTHER RESOLVED that Resolution No. 3354, which adopted the 1994 Affirmative Action Plan, is hereby repealed.

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2009.

ATTEST:

Mayor

City Clerk



AFFIRMATIVE ACTION PLAN

SEPTEMBER 23, 2009

**CITY OF ALBANY
AFFIRMATIVE ACTION PLAN**

TABLE OF CONTENTS

INTRODUCTION.....	1
BASIS FOR AFFIRMATIVE ACTION.....	1
LEGAL NOTICE.....	3
STATEMENT OF INTENT / SCOPE OF PLAN.....	3
RESPONSIBILITY FOR IMPLEMENTATION.....	4
DISSEMINATION OF PLAN.....	5
RECRUITMENT.....	6
TRAINING.....	6
COMPLAINT PROCEDURE.....	7
INTERNAL AUDIT AND REPORTING SYSTEMS.....	8
UTILIZATION ANALYSIS.....	9
RELATED POLICIES.....	10
APPENDIX A: DEFINITIONS OF RACIAL / ETHNIC GROUPS	11

CITY OF ALBANY, OREGON AFFIRMATIVE ACTION PLAN

I. INTRODUCTION

The City of Albany is an equal employment opportunity employer. It is committed to nondiscrimination in all aspects of employment and does not discriminate against persons on the basis of race, color, religion, gender, gender identity, sexual orientation, national origin, age, or disability in any of its employment practices.

Separate from, and in addition to our citywide commitment to equal employment opportunity (EEO) and nondiscrimination, the City is an "Affirmative Action Employer." Affirmative steps as outlined herein will be taken to recruit and hire qualified women and members of minority groups [as defined by the Equal Employment Opportunity Commission (EEOC) in Appendix A] to City positions in which they are currently underrepresented. Affirmative action is more limited and more targeted than either EEO or nondiscrimination policy; it applies only to women and minorities; it applies only to positions in which there is a statistical disparity between availability of qualified women and minorities and their employment in the City; and it is to be reviewed regularly and revised as its goals are/are not achieved.

II. BASIS FOR AFFIRMATIVE ACTION

With 47,470 residents, the city of Albany is Linn County's largest city and the 11th largest city in the state of Oregon. The consistent growth in city population has created the need and desire to assimilate an increasingly diverse citizenry into communities and therefore, our workforce.

Local government must have credibility with its citizens in order to operate efficiently, fairly and effectively. The City strives for a diverse workforce in order to provide quality public service to an increasingly multicultural community; enhance the confidence of its citizens in its local government; and improve cooperation and participation in public life.

Finally, as one of the county's largest employers, the City acknowledges its responsibility to be a leader in developing affirmative actions to increase employment opportunities for women and minority group members who, as a result of historical and cultural factors, may have been underrepresented in the past.

In order to affirm and fulfill its leadership role in this area and to provide the best possible services to its residents, the City will undertake affirmative efforts to ensure that its employees reflect the diversity of the Linn County labor market and to increase the

employment of women and minorities in positions in which they may be underrepresented. The City will take further affirmative steps to train and develop its employees in order to improve their opportunities for promotion, with emphasis in positions where members of minority groups and women are underrepresented.

Affirmative action is quality management. Through its commitment to equal employment opportunity and affirmative action, the City will benefit by developing and utilizing all available human resources.

This Affirmative Action Plan is developed in accordance with the following governing legislation:

- **Executive Order 11246** (41 Code of Federal Regulations (CFR) 60-1), which includes (this list is not intended to be all-inclusive): Nondiscrimination, EEO clause, and notification requirements - includes Part 60-2 written Affirmative Action Plan requirements and 60-3 Employee Selection Procedures.
- **Americans with Disabilities Act** – (Titles 1 and 5) prohibiting discrimination in employment against qualified individuals with disabilities.
- **Section 503 of the Rehabilitation Act of 1973**, as amended, 29 USC Sec. 793 (1993), 38 USC 4211 and 4212 (29 CFR 60-250), which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities (this is not all-inclusive).
- **Title VII of the Civil Rights Act of 1964** - Title VII prohibits employment discrimination based on race, color, religion, gender, and national origin. If discrimination is found, EEOC could require payment of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973.
- **Vietnam Era Veterans' Readjustment Assistance Act of 1974**, as mandated (38 United States Code (USC) 4212, or VEVRAA), which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era. Also requires a written Affirmative Action Plan, Postings, Notifications, Filing VETS-100 Reports (list not inclusive) NOTE: Public Law 107-288, November 7, 2002, provides additional requirements to the VETS-100 filing requirement.
- **Age Discrimination in Employment Act of 1967 (ADEA)**, which protects individuals who are 40 years of age or older.
- **Equal Pay Act of 1963 (EPA)** which protects men and women who perform substantially equal work in the same establishment from gender-based wage discrimination.

III. LEGAL NOTICE

The City of Albany has prepared this Affirmative Action Plan as a reaffirmation of its commitment to equal employment opportunity and affirmative action. In the preparation of this plan, the terminology used in Executive Order 11246 and its implementing regulations has been used as a guide. Therefore, the use of such terms as "underutilized," should not be construed as an admission that, in fact, either minorities or women have been or are presently being discriminated against in any way in violation of federal, state, or local fair employment practice laws. Further, nothing contained in this plan or its supporting data should be construed as an admission by the City of Albany that it has contravened any such federal, state, or local employment practice laws.

In developing and implementing this Plan, the City of Albany has been guided by its established policy of providing equal employment opportunity and by its commitment to the efficacy of a diverse workforce. Any goals which are established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets, reasonably attainable by applying a good faith effort in implementing this Plan. The use of goals in this Plan is not intended to discriminate against any individual or group of individuals with respect to any employment opportunity for which they are qualified on the grounds that they are not the beneficiaries of affirmative action themselves. Nothing herein is intended to sanction illegal discriminatory treatment of any person. Thus, this Plan has been developed in accordance to the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (29 C.F.R. Part 1608).

IV. STATEMENT OF INTENT / SCOPE OF PLAN

The City of Albany's Affirmative Action Plan is a positive plan designed to increase the utilization of women and minorities to ensure their equal participation in all segments of the City's workforce.

This Plan applies to recruiting, hiring, training, and promoting of all regular, full-time and part-time City employees.

The City of Albany will seek to accomplish its affirmative action goals by:

1. Preparing initial and ongoing workforce analyses to determine whether under-representation of minorities or women exist in certain job classifications;
2. Setting goals and timetables to correct any identified deficiencies;
3. Designating resources necessary for the effective implementation of Affirmative Action, including training and educational programs for City personnel;
4. Tailoring the City's recruitment efforts to provide a qualified and diverse applicant pool for all City vacancies, with special emphasis upon vacancies where

women and/or minorities are underrepresented as shown in the City's Utilization Analysis;

a) The City will, whenever possible, use diverse screening and interviewing panels.

b) The City will encourage recruitment, screening, and interview panels to create as large and diverse a pool of candidates as possible and, when choosing among applicants with equal qualifications, give consideration to the City's stated affirmative action goals in its decision-making.

5. Consistently conducting exit interviews for all employees who separate from City employment to identify any perceived barriers or obstacles to full participation in all employment opportunities;

6. Providing accessible informal and formal complaint procedures for review of personnel actions which any staff may believe to be discriminatory;

7. Developing affirmative programs, as may be appropriate, such as on-the-job training, job shadowing, and mentor programs;

8. Ensuring efforts toward consistency among our collective bargaining agreements with the City's Equal Employment Opportunity policy and Affirmative Action Plan;

9. Posting notices of this Plan as well as those required by federal and state law (e.g., "Equal Opportunity is the Law" poster) in central locations throughout all public buildings and facilities; and

10. Ensuring compliance with all EEO/AA requirements by all of the City's contractors and consultants. An Equal Employment Opportunity/Affirmative Action statement will be incorporated, either by reference or in its entirety, into all contracts, subcontracts, purchase orders, leases, and other documents and/or correspondence covered by Executive Order 11246, as amended.

This Plan and the Utilization Analysis will be reviewed and updated as necessary. It is the City's intent that the Affirmative Action Plan remain in effect until the City's workforce reflects or exceeds the diversity appropriate to the Linn County labor pool.

V. RESPONSIBILITY FOR IMPLEMENTATION

The City Manager has ultimate responsibility for the implementation and effectiveness of the City's affirmative action and equal employment opportunity policies, procedures, and commitments. The City Manager shall provide direction on the development of policy to ensure equal employment opportunity and affirmative action. The City Manager will also ensure that appointing authorities, department directors, managers, and supervisory personnel are held accountable for affirmative action goals by administratively supporting affirmative action to meet employment, training, and promotional objectives.

Responsibility for the coordination of the City's Affirmative Action Program will be delegated through the City Manager to the Human Resources Director and the Human Resources Generalist. Inquiries concerning the application of these regulations and/or the

grievance procedures for resolution of complaints alleging discrimination may be referred to the Human Resources Director or the Human Resources Generalist.

All departments and all personnel are responsible for implementing and following this Plan within the scope of their individual job responsibilities. The achievement of applicable affirmative action goals is the professional responsibility of each department director and each hiring manager.

VI. DISSEMINATION OF PLAN

The text of this Plan and information about applicable Affirmative Action goals will be distributed to all Department Directors for discussion and dissemination to their appropriate departmental staff. Representatives of the bargaining units will also receive the text of the Plan. A copy of the Plan will be placed in the Albany Public Library. It will also be provided to interested persons upon request for a reasonable copying fee.

The City of Albany will take the following specific steps to ensure the dissemination of its Affirmative Action Plan:

1. Internal Dissemination

- a) A copy of this Affirmative Action Plan will be available to all employees on the city of Albany internal Intranet site;
- b) A copy of this Affirmative Action Plan will be available at the Human Resources Department and within each department for review by all employees. The statement will include the name of the Human Resources Director and the Human Resources Generalist and information on how to contact those people;
- c) The Human Resources Director will hold periodic meetings with all department directors and management and supervisory personnel to explain the intent of the policy and to clarify individual responsibilities necessary for the effective implementation of the policy;
- d) The City's Affirmative Action Plan will be discussed in new employee orientation sessions and management training programs; and
- e) The Utilization Analysis and its goals and timetables will be reviewed with the Human Resources Director, the Recruitment Coordinator, and by extension with all hiring managers.

2. External Dissemination

- a) The Affirmative Action Plan shall be made available to the public upon request to either the City Manager's Office or the Human Resources Department;
- b) The Affirmative Action Plan will be disseminated externally to individuals and organizations that address the needs of minorities and women in particular, related interest group organizations and community agencies, and secondary schools and colleges. These individuals and groups will be encouraged to refer qualified applicants for all positions available with the City;

- c) The Affirmative Action Plan will be made available to the public through posting on the City's external Internet Web page; and
- d) Each advertisement for employment will contain a statement that the City of Albany is an Equal Employment Opportunity / Affirmative Action employer.

VII. RECRUITMENT

The foundation of any Affirmative Action Plan is the successful recruitment of qualified women and minority applicants for City positions. Without effective recruitment efforts, the City's effort to create a diverse workforce which reflects our labor market cannot succeed.

All recruitments efforts are developed and administered in the Human Resources Department in accordance with federal and state regulations, City guidelines, and Collective Bargaining Agreements.

As a direct report to the Human Resources Director, the Recruitment Coordinator shall be responsible for working directly with all hiring managers to assure that all aspects of recruitment and selection are performed in accordance with the Equal Employment Opportunity policy, and the Affirmative Action Plan.

IX. TRAINING

Training of employees at all levels of the City organization is critical to the success of this Affirmative Action Plan. Training will utilize both internal and external resources and will, when possible, focus upon "training of trainers," i.e., developing in-house personnel to do additional training throughout the organization. Initial training will be done with department directors and supervisors who regularly hire City employees. This training will focus upon the Affirmative Action Plan, its purposes, and the process for its implementation. Ongoing training will focus upon diversity awareness for all employees. Training will be conducted through the Human Resources Department.

Training in the initial phases will include the following:

1. Training regarding this Affirmative Action Plan and use of the Utilization Analysis in determining positions which are underrepresented as to women and/or minorities;
2. Training in review of job descriptions to determine essential job functions and ensure that requirements are objective and job related; and
3. Training in hiring processes, e.g., development of selection criteria and selection of persons for interviews; development of questions and permissible areas of inquiry; and interviewing techniques.

X. COMPLAINT PROCEDURE

Any supervisor, manager, or department director who observes inappropriate behavior or receives a complaint of discriminatory behavior in violation of the dictates of this Affirmative Action Plan shall notify the Human Resources Director or her/his designee immediately.

Filing a Complaint

Any employee, client, customer, volunteer, contractor, or applicant who alleges to be a victim of discrimination or any person who objects to discriminatory workplace behavior in violation of this Affirmative Action Plan, may make a written complaint to their department director, or the Human Resources Director or her/his designee. Employees are encouraged to come forward with a complaint as soon as possible and to provide specific, factual information.

Review and dispensation of the Complaint: If a department director is notified of a complaint, he/she must notify the Human Resources Director or designee immediately. Human Resources shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the Human Resources Director may still meet with the parties involved to attempt to resolve the complaint or conflict between the parties. An informal resolution will be attempted whenever appropriate.

If after an initial investigation is conducted, it is determined that the complaint has merit, and if there is no resolution and/or no conciliation of the complaint, the Human Resources Director will conduct a formal investigation. Such investigation may include interviews with the complainant, the person(s) accused and any other persons determined by the Human Resources Director to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes inappropriate behavior, giving consideration to all factual information, the totality of the circumstances including the nature and impact of the conduct and the context in which the alleged conduct occurred. The Human Resources Director may consult with the City Attorney as necessary during the course of the investigation.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), the supervisor, and the department director as soon as practicable following the receipt of the response.

Disciplinary Action

If a violation of the dictates of this Plan is determined to have occurred, the Human Resources Director shall take and/or recommend to the appropriate supervisor or department director prompt and effective remedial action against the accused. The action

will be commensurate with the severity of the offense, up to and including discharge from employment, consistent with relevant collective bargaining agreements or City policy. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant unless authorized by the Human Resources Director.

Retaliation Prohibited

The City will not tolerate retaliation against any individual who reports discrimination, testifies, assists, or participates in any manner in an investigation, proceeding, or hearing regardless of the outcome of the complaint. Anyone caught in a retaliatory act against an employee involved in complaint proceedings may be subject to discipline up to and including discharge.

Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law.

Limitations

The use of this procedure is limited to complaints related to the specific dictates of this Plan. All other complaints shall be handled through the employee grievance procedure, or the Workplace Discriminatory Harassment Procedure as established by the employee policy manual or union grievance procedure.

Represented-Employee Procedure

Employees represented by a bargaining unit must follow the dictates of their respective Collective Bargaining Agreements in filing any administrative grievance.

XI. INTERNAL AUDIT AND REPORTING SYSTEMS

The Human Resources Department is responsible for maintaining records, reports, and documents relating to recruitment and hiring in order to comply with state and federal recordkeeping requirements as well to evaluate the City's progress in reaching its Affirmative Action goals.

The City of Albany believes that one of the most important elements in effectively implementing its EEO/AA policies is maintaining an adequate system of self-inspection and record keeping. Through such a system, personnel activity can be analyzed, and progress towards the achievement of goals and objectives can be measured. For this purpose, the organization has established the following internal procedures;

1. Records are maintained for each job classification by job group and by department, by race including minority subgroup (when known), and by gender for all applicants, contingent employment offers, hires, transfers, promotions, and terminations;
2. Reports of these activities are compiled on an annual basis to assess the

progress made toward established goals and objectives for departmental units and job groups;

3. Throughout the year, Human Resources shall review the progress reports with appropriate department staff to determine the success of City recruitment efforts in meeting the City's Affirmative Action goals; and

4. Human Resources shall advise the City Manager and department directors of the effectiveness of the Affirmative Action Plan and recommend changes to improve its effectiveness.

XII. UTILIZATION ANALYSIS

A Utilization Analysis will be conducted annually in order to identify areas of underrepresentation for the purpose of setting forth goals and time tables designed to recruit, hire, train, and promote women and minority group members so that such employees are fully represented in the workforce. City job classifications will be grouped using the Equal Employment Opportunity Commission "Job Categories" in the Utilization Analysis. The Utilization Analysis will then be done comparing the City's actual employment of women and minorities to that which would be expected based upon availability in the labor market.

Numerical goals in the Utilization Analysis will be established in an effort to increase the number of women and minorities in job groups where they are not adequately represented relative to both external and internal labor force availability. External labor force data is obtained from the state of Oregon Employment Department, WorkSource Oregon Division. The goals established in the plan are based upon the expected percentage of women and minorities in Linn County's civilian labor force and/or the City's workforce, who possess the relevant qualifications for the respective positions. The City will actively pursue these affirmative action goals until women and minorities are consistently represented in our workforce consistent with labor force availability. For underrepresented positions, race or gender may be a factor in hiring decisions involving candidates of equal skills / experience when done pursuant to this Plan, to remedy such underrepresentation and to meet the City's compelling interest in having a workforce which reflects its communities and its available labor force.

XIII. RELATED POLICIES

In addition to this Affirmative Action Policy, the City has other related policies in effect, including:

1. HR-RS-03-003- Recruitment Selection Process
2. HR-ER-05-001- Workforce Discriminatory Harassment
3. HR-RS-01-002- New Employee Orientation

APPENDIX A

DEFINITIONS OF RACIAL/ETHNIC GROUPS

-Asian / Pacific Islander

A person having origins in any of the original peoples of the Far East, Southeast Asia, and the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

-Black or African American

A person having origins in any of the black racial groups of Africa.

-Hispanic or Latino

A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture of origin, regardless of race.

-Native American / Alaskan

A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.

-White

A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, July 20, 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 Bill Coburn, Floyd Collins, Dick Olsen, Jeff Christman, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

REVIEW OF THE STRATEGIC PLAN

City Manager Wes Hare said staff hopes to have the Strategic Plan (SP) adopted in time to be included in the Budget document for submission for the Government Financial Officer's Association (GFOA) Distinguished Budget Award application.

Management Systems Director Bob Woods projected the Capital Improvement Program (CIP) on a screen for reference during the Council's review of the SP.

Hare noted that the Mission and Vision statements have not changed since the SP was created. The Values have also been in place for awhile. The Goals and Objectives have been changed to represent what is actually doable in this economy. The objectives are more precise and measurable.

Staff and the Council began the review of the SP. The following changes were made:

Throughout document

- o Remove the word "priority" from in front of "goal"

Great Neighborhoods

- o Remove the word "all" from Great Neighborhoods objective, Priority Goal 1
- o Pg. 6, 10.6. Reword so that Albany Downtown Association (ADA) compliance applies to any project in the CIP (not just those listed)
- o Pg. 7, Objective 10.7. Actions, first sentence: "Measure and monitor the number of rides provided to citizens."
- o Pg 10, 10.12. Remove "acquire by purchase"

Safe City

- o Pg. 11, Objective 10.14. Actions, first sentence: "Consider fire sprinklers in residential mixed-use and commercial occupancies..."
- o Pg. 11, Objective 10.15. Actions, second sentence: "Consider a single-family residential fire sprinkler ordinance."
- o Pg 12, 10.17. Suggest using "new technologies like Red Light" to meet this goal
- o Pg. 13, Table, Objective 10.22. Provide audio/visual connectivity to Fire Stations and move the January 2010 text to the FY 2010 box
- o Pg 14, 10.24 in table. Discussed moving Police & Fire to front of list, to alleviate the public perception that these are not important based on their location in the document
- o Discussed listing the goal "Safe City" first in the SP

Healthy Economy

- o Pg. 17. All references to the acronym for Albany-Millersburg Economic Development Corporation should be AMEDC
- o Pg 18, Priority Goal 3. Discussed changing "jobs" to "family-wage jobs"

Effective Government

- o Pg 20. Include a template created by Finance for franchise holders to use in reporting
- o Pgs. 24-27. Add TMDL and wetlands to list

Hare explained that the "Supporting Strategies & Approaches" section is a catch-all for activities and projects the City is engaged in that are interesting, but that are not core activities. He said, we want to show the Council and the community that we are working on them at some level even though they are not part of the Goals and Strategies.

Parks & Recreation Director Ed Hodney added that some of the items in this section are Parks & Recreation Department activities that are performed on a daily basis in order to reach ultimate goals. These things take a lot of time and attention and this is a great way to acknowledge for citizens and staff what other important work is being done.

DIRECTION: The Council directed staff to make the corrections and bring the SP back for adoption.

COUNCILOR COMMENTS

Councilor Dick Olsen said it appears that high-speed rail will be stopping in Albany. Hare handed Olsen a copy of an article titled "ODOT Intercity Passenger Rail Study" (see agenda file). Hare noted that there is a full report online at: http://www.oregon.gov/ODOT/RAIL/docs/Passenger/Draft_ODOT_Intercity_Passenger_Rail_Study.pdf

Councilor Floyd Collins asked if the Linn Avenue at Eads Park improvement issues that neighbors complained about have been resolved. The City vacated a portion of Linn Avenue and a portion that wasn't in the right-of-way (ROW) was encroached, so it created a logistics problem. Public Works Director Diane Taniguchi-Dennis replied that staff talked to the neighbors and learned they had been using the public ROW for parking. Also, they do not like the concrete that was poured. Hodney commented that after several conversations he believed this had already been resolved. Taniguchi-Dennis and Hodney will meet to discuss the neighbor's concerns further.

Collins said he has routed the draft health reform resolution and gave it, including comments from Councilors, to staff to prepare for the next Council meeting. Konopa said she has a draft resolution on health care reform from the US Conference of Mayors which she will also provide at the next meeting.

Collins will be out of town during the August 3, 2009, meeting, but would like to have telephone access in order to attend the Executive Session.

Konopa said it was nice to see thousands of folks attending the Linn County Fair during these tough economic times. The event was well attended and the amenities we provide at Timber Linn Park, right next to the fairgrounds, are very nice.

CITY MANAGER REPORT

There was no report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:03 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, August 24, 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., Jeff Christman, Bill Coburn, Bessie Johnson, Dick Olsen, and Floyd Collins.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Members in the audience wished to speak about the Pacific Boulevard restriping and redesign. Konopa asked them to hold their comments until that agenda item.

PARKING FOR PARATRANSIT VEHICLES, DRIVERS

Public Works Director Diane Taniguchi-Dennis said in September the Transit program staff will be moved to City Hall. There will be significant improvements to be made to the Transit programs and it will be very helpful to have Transit staff nearby. Eventually Transit staff will move to the REA Building at the Multimodal Station. This is currently planned for December 2010. The paratransit vehicles and parking for volunteers will be relocated to ten spaces in the Two Rivers Mall parking lot, across the street from City Hall.

Councilor Bessie Johnson asked, what does the owner of the mall property say about using parking spaces for buses? Taniguchi-Dennis explained that the parking lot is owned by the City and staff met with Parkwise, so they are aware of the changes as well.

Councilor Dick Olsen arrived at 4:01 p.m.

Johnson said she talked to a Call-A-Ride volunteer, and they said they do not want to move to City Hall. As volunteers, they do not want to be in a sterile, formal atmosphere like City Hall. Taniguchi-Dennis said that with a program such as Transit that is cash-constrained, it is difficult to manage the \$900 monthly lease. City Hall is a vibrant community hub and Public Works has created an area for Transit staff and Call-A-Ride volunteers. This move may help to break the perception that City Hall is not only a place to do City business, but also a welcoming place where they can feel comfortable. This is a temporary relocation. Taniguchi-Dennis said, we need to get the Transit program on its feet again; there are lots of issues to deal with, and having staff onsite will help to resolve them.

Councilor Bill Coburn asked, has staff talked to the downtown retailers to find out what they think of losing parking spaces? Executive Assistant to the Public Works Director Irene Mann said she visited the parking lot several times throughout the week and made note of the spaces that were used the least. She talked to Parkwise and they agreed the impact to businesses would be small as the spaces identified are not used much anyway, and they are located far enough away from the restaurants. Mann also discussed the conversations she had with the tenants in the building about the parking of transit vehicles.

Olsen wants to provide a parking area for Call-A-Ride volunteers who come in very early or very late when it is dark out. He does not want them to have to park too far from City Hall.

STREET SWEEPING UPDATE

Assistant PW Director/Operations Manager Mike Wolski gave a brief overview of the street sweeping in Albany. In comparing the alternatives, including three recent bids and City staff's experience of sweeping during the interim, Wolski determined that the best and most cost effective method is to have City crews sweep using the equipment in stock. He added that it is interesting that the community had positive comments about the equipment the City used. It is a whisper wheel, much quieter than what Allied Waste (AW) uses.

Wolski reviewed the three bids received on July 7, 2009, as outlined in the staff report. Wolski broke down the costs to have a City employee perform the service, which at \$136,000, came in lower than all three bids.

Taniguchi-Dennis described the three components of overhead for the Street Fund: Public Works Administration, Operations Administration, and Central Service Charges. The overhead exists regardless if the service is contracted out or not. In this scenario, the overhead would be higher if the service was contracted out because the costs are higher. She agrees with Wolski that the best alternative is to keep it in-house, with the intent to reevaluate again during the next budget year. The other tasks that the City employee will be diverted from, such as ditch maintenance and street activities, can be accomplished by temporary staff.

Councilor Floyd Collins is concerned about accountability and making sure we are tracking the real cost. He said in effect this action would be increasing government to replace an outsourced service. Taniguchi-Dennis said project-accounting is available through the City's financial software to track the program costs. She said cost increases over time could occur if the equipment breaks down or if fuel increases; otherwise the cost should be consistent. She noted that there is a significant difference in cost between the lowest bidder and the City's in-house cost.

Coburn said he is in favor of the private sector doing as many functions as they can for the City. Businesses pay business taxes, and the City does not. He thinks that oversight of a program (by keeping it in-house) is going to be more than the cost to oversee a contract. Managing people and equipment is more costly than managing a contract. He thinks that less government, is better.

Olsen asked, do we use the sweeping machine for other activities? Taniguchi-Dennis said yes, it is used for cleaning up after traffic accidents. She noted that an issue with contractors is that staff will have to monitor the quality of street sweeping if it does not meet our expectations, whereas follow up with a City employee would be much easier. Olsen pointed out that if the City gets use from the machine for sweeping, it is more cost-effective than having it sit unused except for rare occasions. Personally Olsen does not want AW to perform the service because he says they continue to run over his curb on garbage pickup day.

City Manager Wes Hare said there is certainly a time and place for contracted services. This service was performed in-house recently because we thought we were being charged too much by outside sources. In this case, Hare thinks staff has made a thorough analysis and has determined that for the foreseeable future, the City can keep costs down and do a better job than outside sources. It also is a way to utilize staff that is restricted to light duty. He noted that as far as Coburn's comment to businesses taxes, if the City hires a non-Albany business we won't get taxes anyway.

Collins said that AW treats Albany and Corvallis differently. There is a different level of service for these two communities. For example, in years past downtown Corvallis was swept every night and was reimbursed by Oregon Department of Transportation (ODOT). Taniguchi-Dennis said that ODOT is performing the street sweeping of the highway system with their own staff based on the cycle they think is appropriate for Albany. If we want any more, we have to do it. Collins said Ellsworth Street is a mess, yet it's a state highway. He would support performing the service in-house for one year, but if the costs exceed the projections at the end of the year then the Council should be informed.

Konopa noted that the City's cost is 25 percent less than the low bidder. So often, the private sector sends money up the corporate ladder so it ultimately drives our costs up. She saw better quality with City staff performing the service compared to other vendors. She thinks the quality of service is better, so it is more cost effective.

Councilor Ralph Reid wants to have the overhead cost identified up front in more detail. He thinks doing it in-house is best for the City and is what the community can live with. Taniguchi-Dennis explained that overhead is distributed by the fund. To break it down to the level Reid is requesting, staff would have to identify all the services the Street Fund performs and then allocate costs to those specific activities. She doesn't know of any city that distributes to the program activity level; most do it to the fund level, like Albany.

Johnson asked, did the City get complaints about the street sweeping when it was performed in-house? Wolski said there were no complaints about the quality. Occasionally a street was missed when the program first started, though generally complaints were resolved the same day. Once staff had a system down, the process ran very smoothly and there were no complaints.

Olsen asked, can you sweep streets without curb and gutter? Wolski said, we focus on the streets with curbs but if there is a complaint on another street, we will sweep it.

Councilor Jeff Christman would also like to see report detail like Collins described come back to the Council for review.

MOTION: Johnson moved to retain the street-sweeping service in-house and Olsen seconded it. The motion passed 4-2, with Coburn and Reid voting no.

PACIFIC BOULEVARD RESTRIPPING AND REDESIGN PROJECT

Vivian Payne, ODOT Region Manager, introduced Sunny Chippering, Interim Tech Center Manager.

Payne said she would look into Collins' concern about ODOT reimbursement for street sweeping in Corvallis versus Albany. She thinks ODOT reimburses Corvallis to a specific level and Corvallis may be picking up the tab for the extra service. Collins wants her to verify that Albany is getting reimbursed at the same level as Corvallis.

Payne referred to the "ODOT Public Information Sheet" dated March 4, 2008, titled *Safety Improvements for Pacific Blvd (Hwy 99E)* (see agenda file). She said the document is a few years old, but the information is still valid. She also provided a map of the Hwy 99E redesign (see agenda file).

Payne said there are many accidents on Geary Street on this section of highway; in fact, it has one of the highest accident rates in the state with crossover accidents at Main Street. She gave a brief overview of the public outreach conducted for this project. She said the public and the City Council determined that this redesign was the best solution to solve the problems, taking into consideration the businesses and property owners.

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

Coburn asked, why did right-of-way (ROW) acquisition delay the project? Payne said ROW had to be purchased to allow for American's with Disabilities Act (ADA) ramps and the signals.

Randy Tripp, Albany resident, said he owns the property at Main Street and Pacific Boulevard. He said ODOT is wrong to claim that they contacted all the property owners, because no one talked to him. He said he called ODOT staff in Corvallis and was told that the project won't happen for a long time, not to worry, and that ODOT will keep in touch. He asked, if a "porkchop" street design is good enough for Sherman Street, then why can't it be used on Main Street? Also, if the state is so concerned with accidents, why haven't they put up signs? There are more signs on Ellsworth Street than there are on Pacific Boulevard, yet Ellsworth Street has fewer turns. He said a lot could be done to have prevented a good portion of these accidents. This was studied by engineers in Salem who don't know, or care, about the businesses in Albany. People will have to drive four blocks out of their way to get to the Izzy's Limousine business with the proposed redesign.

Brian Orr, owner of Izzy's Limousine, said every business on Pacific Boulevard has an entrance, but this redesign will take his away. He said, you might as well take my keys too. He also contends there was not enough contact with business owners; he said Jerry Wolcott from ODOT did visit him and said there have been a lot of wrecks there. Orr's next contact was when he talked to another business owner. He agrees with Tripp about signage and suggested that if ODOT makes a right-turn only then at least he can maintain a business. His carry-out business is \$1,000 a week, but this redesign will close off customer access. He said, you might as well close me down in this economy. He used to have 20 employees and he is down to 15. He already works 80 hours a week. Also, who will want to rent Tripp's property next door if there is no access to it? He said ODOT also put trees up everywhere so that people can't see his signs. He said it's not the street that causes the accidents; it is the drivers. It should be a right turn only.

Roger Reid, 135 5th Street, is an attorney representing Tripp. Reid said he and his client understand that there is a safety concern, but it has been there for years and with prior planning, it could have been resolved. Now the City is being told to hurry up, or lose the ODOT money. Reid described the signage he would recommend in order to prevent drivers from crossing Pacific Boulevard at Main Street. The signs could be put in right now so that the City could monitor their effect on traffic flows. The only other thing to consider is a barrier to block the street, though Reid does not propose that as a solution.

Roger Reid said the Council has to look at two things: safety and impact to property owners. The Council is here to protect property owners and citizens of Albany from unreasonable actions by other government agencies. Reid thinks his request is reasonable; it will protect Tripp and Orr, and will provide tax revenue not available if the value goes down on a property with no access. He said ODOT's proposal is unreasonable. Reid is asking the Council to protect the citizens.

James Brooks is owner of the 76 gas station on the corner of Sherman Street and Pacific Boulevard. He said this originally came up a year and a half ago. He talked to Wolcott then. He said what frustrates him is that these signs could have been put up last summer and if they had been, we now would have data for one full year. Now, at the 11th hour, ODOT is saying this is the only plan. Brooks said he was told numerous times that signs and porkchops do not work; but the bottom line is, we won't know unless we try, and it would not have been permanent. Now, this proposal is a permanent change. Also, ODOT created this mess in the first place with their design. Brooks says he does not have that much faith in ODOT. He agrees there is a problem with accidents, and thinks that changing striping and dropping lanes are viable solutions that will make an impact. But, he still thinks ODOT could have done that, plus added signs and porkchops, a year ago. It bothers him that ODOT says it is good enough to stripe Pacific Boulevard, but they won't put signs at the cross streets. Brooks said he takes exception to the last statement on the Power Point presentation which shows that there is earmark money available to fix the problem, because ODOT doesn't know if this actually will fix the problem. There were other things they could have looked at. Lastly, Brooks asked the Council to consider that given the current challenging economy, now is the time for the Council to show local businesses that they care about them. ODOT's concern is to move traffic; the Council's interest should be to protect local businesses.

Johnson asked Brooks if he favors the porkchop solution. Brooks said yes, it's the least intrusive option. We have enough streets that go nowhere in this town, so to cut off another one is ridiculous. It is too drastic.

Konopa asked, would a porkchop at Main Street and Pacific Boulevard be funded? Payne said no, and added that it is not just ODOT approval that is required. The Federal Highways division would also have to determine if a porkchop is a feasible solution. The traffic data show that a right-in, right-out porkchop is the second least effective engineering fix for these types of crashes, based on data all over the nation, as well as Oregon.

Chippering said Main Street is in the influence area. Because of a lack of gaps in traffic, vehicles crossover. ODOT looks at a system of three consecutive streets, not just one intersection.

Roger Nyquist, Linn County Commissioner, said he does not want this community to lose this funding. Losing the federal money is risky, as it will be much harder to come across locally. He asked Payne if the mailings to property owners were by certified mail. Payne said she wasn't sure, and Nyquist suggested that they should be.

Nyquist said it is difficult to lose access to Izzy's Limousine, but also because of the City's development regulations, it would be difficult to put something on that lot. For example, if the front portion of the lot was vacated, and the City were

to waive regulations in future development code changes, the property owner then would have something to consider. That's at least better than just closing the street. Discussion followed.

Nyquist said this is a test of how Albany functions and gets transportation things done. The next project is for I-5. He is concerned about the process and the results of losing this earmark money. He does not want to risk even more funding opportunities later.

Roger Reid said it won't take months to redesign; it should take just weeks. Payne cautioned that when an engineer stamps a design, they are affirming that the design is the appropriate traffic solution. It is a liability and a risk for them to apply their stamp so are very careful in the designs they approve. Transportation Systems Analyst Ron Irish noted that the porkchop solution does not address the safety issues.

Konopa closed the public comment portion and asked the Council to deliberate.

The Council discussed the impact of closing Main Street and proposed designs to Oak Street.

Coburn suggested the following signage: traveling northbound on Main Street, corner of Pacific Boulevard, left turn only sign; northbound on Sherman Street, left turn only sign; southbound on Main Street, right turn only sign; and southbound on Sherman Street, right turn only sign. Coburn offered to install the signs at no cost to the City. Then, ODOT can stripe Pacific Boulevard. This would be a minimalist effort.

City Manager Wes Hare said he doubts ODOT will approve a minimalist approach. He asked Payne to comment on Coburn's offer. Payne said that when ODOT looks at a solution they consider all streets in an entire section, not just the area that is being discussed today. It is likely ODOT could conduct traffic modeling and evaluate the risk, but it comes down to the traffic engineer's judgment, which is a professional and personal liability. By stamping a design they are accepting responsibility for it. Payne reminded the Council that over a year ago, ODOT gave the City design concepts, and based on the Council's approval and the Council's direction to proceed, ODOT proceeded with the design concept. She is not dismissing the concerns expressed, but reiterated that it is a balance. If ODOT now goes back to the redesign stage, they will be taking away funds from the construction budget. It will ultimately cost in other places, if the engineering team will even agree to something less than presented in this design tonight.

Johnson thinks the Council should protect Albany businesses. She agrees with Tripp; she too recalls being told by ODOT that this would not happen very fast. At the time, the Council was concerned about closing streets. Now it is being presented as an urgent decision, yet it seems notification to property owners and businesses was not thorough. It may have one of the highest accident rates in Oregon, but most of them are caused by the impatience of drivers. She doesn't want to lose the earmark funding, but wants ODOT to consider alternatives.

Payne said the project is currently behind schedule. She said ODOT staff pulled it from their agenda when they heard there was a misunderstanding with the City. Olsen asked, why didn't ODOT come back six months ago? Konopa said the design concept was approved by the Council in the minutes, so Wolcott believed the Council was on board.

Collins thinks the porkchop at Main Street makes sense.

MOTION: Collins moved to request ODOT staff to review the installation of a "porkchop" and signage at Main Street to determine if it is a viable design option, and to evaluate its cost and impact to the schedule, and Johnson seconded it.

Christman recalled that the Council was left with the impression by ODOT that they had no choice when they voted to approve the design concept at the previous meeting. Secondly, in respect to earmarks and future earmarks, to him it should not make a difference. There comes a point when, just because there is money available for a project if we do it immediately, those projects may not be in the best interest of the citizens.

Ralph Reid said he has been against this redesign from the beginning. This is a "band aid" fix in the wrong area. ODOT is looking at the side streets, not the viaduct and they can't look at the viaduct because Albany is not an MPO. Reid said, we are stuck. He is totally against closing streets and does not support this design. ODOT and ODOT Rail have closed numerous streets already in the past years.

Taniguchi-Dennis asked if Collins is open to other solutions, if ODOT does not accept his concept. For example, Main Street could be made to look like a driveway to allow for in and out access. Collins said yes. He would also consider movement from a traffic circle.

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

DRAFT EROSION PREVENTION AND SEDIMENT CONTROL PROGRAM

Assistant City Engineer Jeff Blaine distributed a memo dated August 4, 2009, for the August 24, 2009, Work Session (see agenda file). Blaine said the need for an Erosion Prevention and Sediment Control Program came from Albany's current requirement to comply with the Willamette Basin Total Maximum Daily Load (TMDL) and the City's future requirement for a National Pollutant Discharge Elimination System (NPDES) Phase II permit for our Municipal Separate Storm Sewer System (MS4). The NPDES Phase II permit for the MS4 and the Willamette TMDL both require the implementation of the Erosion Prevention and Sediment Control (EPSC) program, as was discussed at the May 11, 2009, Work Session. The "City of Albany Erosion Prevention and Sediment Control Manual" was distributed to the Council on Wednesday,

August 12, and represents the work staff has done to date to develop this program. It has involved several departments as well as the City Attorney.

Blaine said staff would like to get the Council's comments on the draft program tonight, and initiate public outreach in September. In October, staff will come back to the Council to discuss the comments from the public, make other revisions, and present a fee structure. A public hearing will take place in November and the program kick off will take place in December.

Blaine introduced Engineering Technician IV Kevin Hamilton. Hamilton did most of the work in preparing the document and will oversee the program.

Hamilton described his review of programs at other agencies in the Willamette Valley and nationally. Albany used Corvallis' program as a primary framework, and incorporated elements from Salem, Eugene, Beaverton, and metropolitan areas in Washington, North Carolina, Wisconsin, and Minnesota. All of those influenced Title 12.

Hamilton pointed out that this manual is not a regulatory device. Rather, it is intended to be used as an educational tool, for staff reference, and for engineers and developers. It provides effective measures, but is not intended as an exclusive listing of practices. Conformance with the Best Management Practices (BMPs) listed in the manual is not the program's objective. The program's objective is to keep dirt in place on the site.

Hamilton pointed out specific parts of the manual that were of particular interest to the Council. Those included the Albany Municipal Code (AMC) tab in the Manual which contains proposed revisions to Title 12; and Chapter 2. This Chapter is summarized well in three included pamphlets created for the program, which are titled "Program Description", "Permit Process", and "Inspections" (see agenda file).

Hamilton described a number of key components Council should be aware of. These include:

- There are two types of permits: minor land disturbing and major land disturbing.
- The permittee is the property owner. There is no authorized agent. Hamilton chose this method because they did not want a permit passing from contractor to contractor throughout the project. This provides accountability.
- A permit is needed only if an area of 2,000 feet or greater is being disturbed. There are exceptions for current homeowners reseeding a lawn, home gardening, and agricultural businesses. Hamilton noted that regardless of whether or not a permit is required, they are still expected to conduct the project according to the intent of the program.
- Hamilton said staff's first intention would be to educate a non-compliant person on the program. However staff does have the ability to increase consequences if the violations continue or escalate.

Collins supports this program. He suggested the program make it clear to the citizen, when certain permits are required, from which government branch (local, state, or federal.) He is also not sure if the property owner should be the permittee, because the owner may assume the contractor is. There may need to be clarity or options. Hamilton noted that education will be included in the public outreach phase.

Coburn asked, did you look at ODOT as a resource? Hamilton said yes, he has reviewed their programs though they are not parallel.

Coburn suggested Hamilton consult the construction arm of Walmart. He described Walmart's comprehensive program for their contractors.

The Council concurred that staff should begin public outreach.

COUNCILOR COMMENTS

There were no Councilor comments.

CITY MANAGER

There was no report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:35 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, August 26, 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

SCHEDULED BUSINESS

Business from the Public

Bill Root, 2634 Valley View NW, representing the North Albany Neighborhood Association (NANA), spoke regarding changing the Albany Development Code (ADC) and extensions for Tentative Plat Approvals that is scheduled for later in the agenda (written testimony in the agenda file). They believe the proposal benefits only the developer. He believes any extensions should be a benefit to the City.

Mark Grenz, representing Multi-Tech Engineering, spoke to changing the ADC. He said that staff did a good job of reviewing the proposed changes in the memo in the agenda. He believes the community will benefit from an extension process of some kind. He believes that development should move forward as originally approved. He just wants to see a process in place, especially when there have been no changes to the ADC. The last housing recession was in the 1980s, and the City ended up owning a lot of foreclosed properties, which took years to dispose of. Developers develop to make money and not for a devious purpose. He wants the City to have the ability to grant extensions.

Dirk Olsen, representing North Albany Citizens in Action, 914 NW North Albany Road, read a letter (in agenda file) regarding the proposed time extensions being added to the Tentative Plat Approval process. He mentioned that last month his group suggested several areas in the ADC that they felt needed to be revised. Because the City had a semi-annual review process, they agreed that their concerns could be addressed using this protocol. Their concerns were safety concerns. They asked, why is Multi-Tech Engineering Services being given preferential treatment when they presented their proposal to change the ADC? By fast-tracking a response to Multi-Tech's proposal, there is an appearance of doing business "in the dead of night" when many interested local parties are unaware of what is being done.

Vi Anderson, 914 North Albany Road, read a letter (in the agenda file) on the current process for development and she doesn't see any reason to change the ADC.

Adoption of Resolutions

Establishing parking restrictions within the Two Rivers Mall parking lot.

MOTION: Councilor Johnson moved to approve the resolution establishing parking restrictions within the Two Rivers Mall parking lot. Councilor Coburn seconded the motion.

Executive Assistant to the Public Works Director Irene Mann said she met with a majority of the tenants, owners, and businesses, in Two Rivers Mall. The only concern was from a Go Figure Fitness Center owner. No one else had any issues.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5832.

Authorizing the execution and delivery of a loan agreement between the City of Albany and the Oregon Department of Environmental Quality in an aggregate principal amount not to exceed \$4,000,000; authorizing the creation of a reserve fund and related matters.

Utility Engineer Chip Ullstad said that the agreement had been reviewed earlier in a Joint Work Session with the city of Millersburg and the Joint Water/Wastewater Management Committee. The recommendation from that Joint Work Session was to move forward.

MOTION: Councilor Reid moved to approve the resolution authorizing the execution and delivery of a loan agreement between the City of Albany and the Oregon Department of Environmental Quality (ODEQ) in an aggregate principal amount not to exceed \$4,000,000, authorizing the creation of a reserve fund, and related matters. Councilor Collins seconded the motion.

Councilor Christman wanted the audience to know that the Council has spent hours going over this agreement and issue. They have had multiple meetings. They do not enter into this agreement casually.

City Manager Wes Hare mentioned that the advantage of having stimulus dollars available is that Albany and Millersburg will have the amenity of the wetlands project. It will provide a lot of community good.

Collins mentioned that 12 years ago it wouldn't have happened. It is a unique opportunity to have these cities working toward the same objective at the least cost. It is a co-operative effort. It has been a long and complicated process.

Councilor Olsen added that the ODEQ complimented the efforts of the two cities and he saw that as an exception from the ODEQ.

Johnson said, every opportunity to partner is a positive effort.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Resolution No. 5833.

Adoption of Consent Calendar

- 1.) Approval of Minutes
 - a) July 22, 2009, City Council.
- 2.) Accepting Oregon Department of Transportation grant funds to purchase two MPH Bee III radar speed measurement devices. [Pages 18-19] RES. NO. 5834
- 3.) Accepting wage, salary, and benefit reimbursement for Albany Police Traffic Officers from the Linn County Sheriff/Linn County Multi-unit Traffic Safety Project. RES. NO. 5835
- 4.) Approving renewal of an intergovernmental agreement with Benton County Public Works for Fire Department vehicle maintenance.
- 5.) Approving renewal of an intergovernmental agreement with the state of Oregon for regional hazardous materials emergency response team services.
- 6.) Adopting financial policies. RES. NO. 5836
- 7.) Repealing Resolution No. 5395 concerning petty cash within various City departments. RES. NO. 5837
- 8.) Adopting the FY2010-2014 Strategic Plan.
- 9.) Accepting a sanitary sewer easement from Red Canoe Credit Union. RES. NO. 5838
- 10.) WWTP-08-02, Wetlands Treatment Project, setting a public hearing for September 9, 2009.

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

Reports

Receiving 2009 Albany residents' satisfaction survey report.

Management Systems Director Bob Woods said the report is in the packet and on the website. Although there was a low response, they still believe it is a scientifically valid survey.

Christman was concerned about the survey results for bus service and senior services. He said the Council may want to consider no longer offering those services if there is a need to trim the budget in the next fiscal year. Hare said his experience has been that surveys lead to better questions and this survey had such a low response rate that it doesn't necessarily reflect what the citizenry wants. Also, since the only way to respond was through the internet, it disenfranchised a large number of citizens.

Setting dates for November and December meetings.

The dates in the agenda were acceptable to the Council.

Providing staff with direction regarding time extensions for approvals of land use applications.

Community Development Director Greg Byrne said staff researched the possibility of extensions as directed by the Council and their report is in the agenda packet.

Hare mentioned that whatever the Council decides regarding extensions, that decision process will not change the Development Code tonight.

Coburn wanted to verify that currently the City does not have a process for an extension. Planning Manager Don Donovan said that is correct. The graph on page 181 of the agenda shows the length of time available to finish a project in those cities that grant extensions. Coburn said it seems strange that Albany is the only city that does not have an extension process.

WITHDRAWN MOTION: Coburn moved to direct staff to prepare a change to the Development Code for a one-time, one-year extension and to go through the process to make that happen (Planning Commission, etc.). Johnson seconded. This motion was withdrawn.

Coburn said that his motion is not specific to any developer or planned project. The City doesn't seem to be compatible with other cities.

Byrne said staff had been considering a change. If the issue had not been raised by a citizen tonight, the City Manager was ready to raise the question. Any hint that it was done in a clandestine manner, is not true.

Christman noted that one project that is scheduled to expire is the YMCA project at Timber Linn Park. He understands that it is currently being held up at the state level. This is beyond the control of the City and the YMCA. If no extension is offered, they will have to start the process over again including paying new fees.

Delapoer mentioned that an extension process could end up being a land use process. To avoid a lengthy process for a one year extension, the Council could choose for it to be an automatic extension, by request. Donovan said unless there is a zone change or minimum lot line change.

Byrne mentioned if an immediate change in the ADC regarding extensions is driven by economic conditions and the Council wants it to be short term, a different set of criteria could be applied. It could be on a one-time basis or for a limited period of time.

Reid feels this is an individual complaint or suggestion and the Council shouldn't abandon their original plan to have six months for staff review before changes to the ADC come before the Council.

WITHDRAWING MOTION: Coburn said considering the additional information he would withdraw the motion. The seconder agreed.

Christman said it seems that multiply issues come to the Council in pieces. He would like to see some kind of extension. He likes the concept of a one-time-automatic extension of one year.

MOTION: Christman moved to direct staff to prepare for Planning Commission consideration a Legislative Land Use amendment to Site Plan, Conditional Use, Partition, Planned Development, and Subdivision Approval, expiration dates such that a one-time, one-year extension would be granted any currently pending approvals. This extension would not apply to staged subdivision approvals. Coburn seconded the motion.

Collins said there are times when circumstances are beyond any of us (like the timing issue for the YMCA), that impede a development. If a development could be of some advantage to the community, an extension should be allowed. But, he doesn't want an automatic extension for everyone. There are two levels of review to consider. Collins wants to narrow approval to only those at risk unless they went through the process involving the Planning Commission. Extensions would have to incorporate changes in the code.

Christman said the one year buys time to allow the process to take place. Delapoer explained that the motion would go to the Planning Commission and a recommendation would come to the Council for action.

VOTE: A vote was taken on the motion and it failed, 3-4, with Reid, Collins, Olsen, and Konopa voting no.

Byrne asked, would the Council like to have the Planning Commission give them advice on the staff recommendations and conclusions in the staff report?

MOTION: Collins moved to have staff refer the possibility of an extension to the Planning Commission through the normal process and have their recommendation brought to the Council. Coburn seconded the motion. Byrne explained that the normal process time is toward the end of the year.

Christman was still concerned about expiring projects.

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

BUSINESS FROM THE COUNCIL

Olsen wanted to revisit the health care resolution from the previous Wednesday meeting. He asked for the resolution modified by Collins to be brought back for discussion and possible adoption.

MOTION: Olsen moved to adopt the short form resolution that had been rewritten by Councilor Collins and presented at the August 12, 2009, City Council meeting. Johnson seconded the motion.

Collins said he had redrafted the resolution presented by the community group only if the Council wanted to consider the issue. He doesn't believe the Council should weigh in on this issue.

Johnson believes that the City should weigh in on this issue because it affects everyone and she has heard from several constituents concerns and stories about not being able to get insurance or being dropped from insurance as soon as a major illness occurs.

Christman said he believes the basic issue is HR3200, and based on what he read he cannot see how it will help the City to voice an opinion.

Coburn was concerned about what it was they were actually voting on. State increased health coverage to more people by increasing taxes to business. He doesn't agree with that.

Reid believes that economic health is based on small business and if they are forced to provide insurance, more will go out of business.

VOTE: A vote was taken on the motion and it failed 2-4, with Christman, Reid, Collins, and Coburn voting no.

Konopa went to the Country Coach Rally and received a thank you letter describing how much that organization liked Albany.

Hare said the resolution for the purchase of property that was discussed at the work session was on the dais for Council approval.

MOTION: Collins moved to adopt the resolution authorizing the City Manager to execute a purchase and sale agreement to allow the City of Albany to join the city of Millersburg in the purchase of real property to be used for wetland development. Reid second the motion and it passed 6-0, and was designated Resolution No. 5832.

Hare introduced Anna Reid from ICMA, who would be conducting interviews with the Safe Routes to Schools Committee. She will be here for two days.

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

The Executive Session was canceled.

NEXT MEETING DATE

The next City Council Regular Session is scheduled for Wednesday, September 9, 2009, at 7:15 p.m., in the City Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:14 p.m.

Respectfully submitted by,

Reviewed by,

Betty Langwell, MMC
City Clerk

Stewart Taylor
Finance Director



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JR*
DATE: September 16, 2009, for the September 23, 2009, City Council Meeting
SUBJECT: Automatic Aid Agreement With Adair Rural Fire Protection District
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Council approval to renew the Automatic Aid Agreement for emergency response coverage with Adair Rural Fire Protection District.

Discussion:

The Fire Department participates in a number of mutual and automatic aid agreements with emergency response agencies within Linn, Benton, and Marion Counties. Mutual aid agreements allow local jurisdictions to request additional emergency resources from other jurisdictions when needed. Automatic aid agreements provide these additional resources from other jurisdictions automatically at the time of the emergency.

The City has an existing Automatic Aid Agreement with Adair Rural Fire Protection District that provides both jurisdictions additional emergency resources during significant fire and medical emergencies. This agreement was last renewed in May 2003. The new, proposed changes include better defining the boundaries and the levels of emergency response for both jurisdictions.

Budget Impact:

None.

JB:ljh
Attachment

AUTOMATIC AID AGREEMENT
Between City of Albany Fire Department and Adair Rural Fire Protection District

This agreement is between the City of Albany, a municipal corporation, hereinafter referred to as CITY, and the Adair Rural Fire Protection District, a special district organized under ORS Chapter 478, hereinafter referred to as DISTRICT.

WHEREAS, the parties hereto recognize the likelihood that fires or other like disasters occurring in their respective territories could reach such proportions that it would be impossible to control them with the equipment and personnel of any single agency; and

WHEREAS, it is necessary and proper that Mutual and Automatic Assistance Plans be entered into by the undersigned for the mutual protection of life and property,

IN CONSIDERATION of the covenants herein contained, each of the undersigned agrees:

1. The DISTRICT will respond a water tender with a minimum of two personnel or a Type I engine with a minimum of three personnel on first alarm fire incidents within the designated boundaries of the CITY. (See #5 and attached map)
2. The DISTRICT will respond a rescue with a minimum of two personnel or a Type I engine with a minimum of three personnel on medical calls within the designated boundaries of the CITY. (See #5 and attached map)
3. The CITY will respond a Type I engine with a minimum of three personnel on first alarm fire incidents to all portions of the DISTRICT east of Hwy. 99W.
4. The CITY will respond a water tender with a minimum of two personnel on first alarm fire incidents to all portions of the DISTRICT west of Hwy. 99W.
5. Designated boundaries of the CITY shall be defined as:
 - a. Hwy. 20 from Independence Hwy east to CITY boundary
 - b. Independence Hwy. from Hwy. 20 north to CITY boundary
 - c. Pettibone Dr. from Independence Hwy. west to CITY boundary
 - d. Abraham Ln.
 - e. Metge Ave. from Independence Hwy. east to Oak Grove Dr.
 - f. Ryals Ave. from Independence Hwy. west to CITY boundary
 - g. Quailwood Dr.
 - h. Fawnridge Dr.
 - i. Mint Ave.
 - j. Palestine Ave. from Independence Hwy. west to Scenic Dr.
 - k. Bramblewood Ln.
 - l. Bramblewood Ct.
 - m. Scenic Dr. from Palestine Ave. to Springhill Dr.
 - n. Springhill Dr. from Scenic Dr. to Independence Hwy.
 - o. NW Ridgecrest Ave.
 - p. NW Alder Ave.
 - q. NW Glenwood Ave.
 - r. NW Primrose Ave.
 - s. Buena Vista Rd. from Springhill Dr. north to City boundary
 - t. Gilmore Ln.
 - u. Camp Adair Rd.

6. That the officer in charge of the responding organization may, in the exercise of best judgment and discretion, decline to commit apparatus or personnel to a position which would dangerously imperil such resources, or negatively impact to an unacceptable level, the ability to the CITY or DISTRICT to provide services for its patrons.
7. That a responding organization shall be released by the requesting organization as soon as the services of the responding organization are no longer required or when the responding organization is needed within its own jurisdiction.
8. That none of the parties hereto shall be held liable to any other party for damage to property, loss of equipment, injury to personnel, or for the payment of any compensation arising in the course of, or as a result of, any assistance or lack of assistance rendered under the terms of this Agreement. This provision does not waive the legal rights of any individual. Nothing in this agreement, including any provisions for hold harmless, is intended to create any liability or obligations to pay claims on any single incident in excess of the amounts set forth in the Oregon Tort Claims Act. Specifically as to actions to which the Tort Claims Act would apply, the CITY and the DISTRICT, by this agreement, are assuming no contractual liability in any form in excess of those limitations.
9. That the chief executive officer of each fire department of the parties to this Agreement is authorized and directed to meet and draft such Rules of Procedure as shall best accomplish the purpose of this Agreement.
10. That aid and assistance rendered by the signatories hereto under the Oregon Emergency Conflagration Act, state and national forest fire defense plans, and civil defense plans, shall not be governed by the terms of this Agreement.
11. That automatic aid and move-up procedures shall be periodically reviewed and updated.
12. That the continued failure by either party to meet the requirements established herein shall be considered to be just cause for termination of this Agreement.
13. That either party may withdraw from the entirety or attachments hereto of this Agreement by giving thirty (30) days written notice of its intent to withdraw to the other party.
14. This agreement shall be for a period of five (5) years from the date of complete signing and for such additional period as provided herein. Each and every year after the expiration of the original Agreement, this Agreement shall automatically renew for additional one-year periods if not replaced by a new Agreement.
15. Each of the parties agrees not to discriminate on the basis of race, religion, sex, color, age, sexual orientation, national origin, marital status, familial status, mental/physical disability, or source of income in the performance of this contract.

This Agreement shall become legal and binding on both of the undersigned agencies by the authorized signatures to be hereunto affixed.

IN WITNESS WHEREOF, each of the undersigned has caused this Agreement to be signed by its duly authorized officers. This document shall work in concert with and created in addition to the Benton County Mutual Assistance Agreement currently in effect.

The effective date of this Agreement shall be _____.

CITY OF ALBANY, OREGON

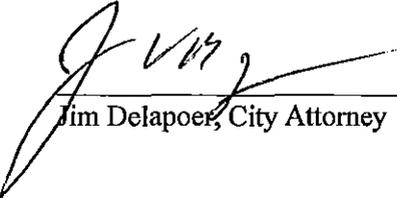
ADAIR RURAL FIRE PROTECTION DISTRICT

John Bradner, Fire Chief

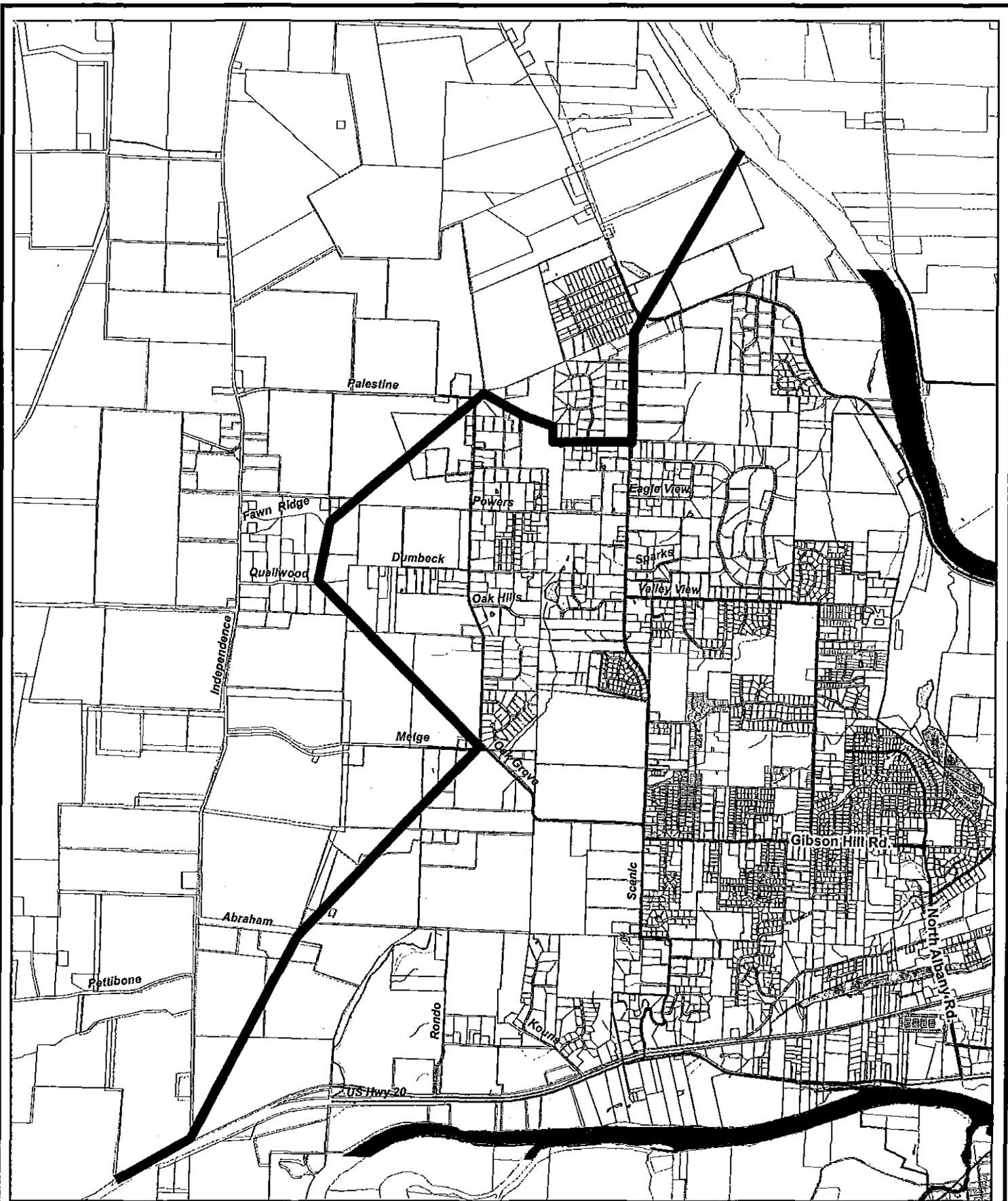
Chuck Harris, Fire Chief

Wes Hare, City Manager

Approved as to Form:



Jim Delapoe, City Attorney



Adair Proposal



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and file formats. All the information provided represents current information to a reasonable degree of accuracy. While the information provided is generally believed to be accurate, occasionally that information proves to be incorrect, and thus the accuracy is not warranted. Prior to making any property the subject of other transactions based in full or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.



Project File Location:
 W:\Info\ArcMap Projects\Fire\Bradner\Adair Proposal.mxd

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



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: *Edward Boyd*
Edward Boyd, Chief of Police
DATE: September 15, 2009, for the September 23, 2009, Council Meeting
SUBJECT: Apply for the OACP Safety Belt/Three Flags Traffic Safety Grant
RELATES TO STRATEGIC PLAN THEME: • A Safe City
• An Effective Government

Action Requested:

Approve a resolution to apply for the Federal Fiscal Year 2009-10 Safety Belt/Three Flags Traffic Safety Grant from the Oregon Association Chiefs of Police in the amount of \$8,000 for a total of 200 hours of overtime for traffic enforcement (Federal Funds CFDA #20.600).

Discussion:

We were invited to apply and have been approved for up to \$8,000 for Safety Belt/Three Flags traffic safety. The overtime reimbursement rate is \$40/hour. These federal funds come through the Oregon Department of Transportation and are administered by the Oregon Association Chiefs of Police. Federal funds require the City to provide specific accounting, which includes approving the attached resolution.

The annual Three Flags grant period is based on the Federal Fiscal Year from October 1, 2009, to September 30, 2010. The increased patrols assist us in reducing the number of motor vehicle-related deaths and injuries by increasing public awareness of laws regarding safety belt use and other traffic issues including DUII and speed.

Budget Impact:

Reimburse City for up to \$ 8,000 in overtime costs to increase safety belt, speed, and DUII patrols.

msr
attachment

G:\Norma_Meaza\City Council - Resolution, ordinances, memos\mcc 3-flags overtime grant 2009.10 apply.docx

RESOLUTION NO. _____

A RESOLUTION IN SUPPORT OF APPLYING FOR THE OREGON ASSOCIATION CHIEFS OF POLICE SAFETY BELT/THREE FLAGS TRAFFIC SAFETY GRANT TO ENFORCE SAFETY BELT, SPEEDING, AND DUII LAWS.

WHEREAS, the Oregon Association Chiefs of Police makes grant funds for Federal Fiscal Year 2009-10 available from October 1, 2009, to September 30, 2010, to provide overtime reimbursement for increased patrols to enforce safety belt, speeding, and DUII laws; and

WHEREAS, the City of Albany Police Department was invited to apply for overtime reimbursement for the Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws; and

WHEREAS, the City of Albany Police Department has received approval for up to \$8,000 in overtime reimbursement for the Three Flags Traffic Safety Grant to enforce safety belt, speeding, and DUII laws; and

WHEREAS, grant acceptance will reimburse for enforcement of safety belt, speeding, and DUII laws overtime; and

WHEREAS, grant acceptance will require local match by providing two hours of straight time traffic safety enforcement for every hour of grant overtime and to report hours of enforcement and number of arrests/citations made.

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 enforcing safety belt, speeding, and DUII laws will assist us in reducing the number of motor vehicle-related deaths and injuries by increasing public awareness; and

BE IT FURTHER RESOLVED that the Albany City Council authorizes the Albany Police Department to apply for the Oregon Association Chiefs of Police overtime reimbursement for Safety Belt/Three Flags Traffic Safety Grant.

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2009.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
Craig Carnagey, Parks and Facilities Manager

DATE: September 14, 2009 for the September 23, 2009 City Council Meeting

SUBJECT: Authorization to accept an Energy Efficiency and Conservation Block Grant

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Adopt a resolution accepting the U.S. Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG) for \$201,500.

Discussion:

The Albany City Council adopted resolution No. 5772 which authorized the City to apply for a \$201,500 grant from the U.S. Department of Energy (DOE) for an Energy Efficiency and Conservation Block Grant (EECBG).

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

The City Council is also asked to make appropriations to the revenue and expenditure accounts related to this project, as detailed in the Resolution.

Budget Impact:

Both resources and expenditures will be increased in the FY 2009-2010 budget for Fund 203 (Grants Fund) by \$201,500.

Attachment: Resolution

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF ALBANY TO ACCEPT THE U.S. DEPARTMENT OF ENERGY (DOE) "ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG)", APPROPRIATING FUNDS, AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE AGREEMENT.

WHEREAS, the Albany City Council adopted Resolution No. 5772 which authorized the City to apply for a \$201,500 grant from the U.S. Department of Energy (DOE) for an Energy Efficiency and Conservation Block Grant (EECBG); and

WHEREAS, in February of 2009 the American Reinvestment and Recovery Act (ARRA) was passed into law; and

WHEREAS, the ARRA, Public Law 111-5, appropriates funding for the DOE to award formula-based grants to local governments; and

WHEREAS, the City has been awarded this grant in the requested amount of \$201,500; 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, 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 City Council of the City of Albany accepts from the U.S. Department of Energy (DOE) an Energy Efficiency and Conservation Block Grant (EECBG) for \$201,500 and the following appropriations are made for the Fiscal Year 2009-2010.

		<u>Debit</u>	<u>Credit</u>
Resources			
203-35-5077-42025	Dept. of Energy	\$201,500	
Requirements			
203-35-5077-72036	City Hall HVAC Retrofit		\$48,500
203-35-5077-72037	Senior Ctr. HVAC Replacement		\$104,000
203-35-5077-72038	City Hall Virtual Server		\$49,000

DATED AND EFFECTIVE THIS 23rd DAY OF SEPTEMBER, 2009.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantor

Purpose

LINN BENTON COMMUNITY COLLEGE

A 15 foot-wide water easement for the 53rd Avenue water line extension project.

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

DATED AND EFFECTIVE THIS 23RD DAY OF SEPTEMBER 2009.

Mayor

ATTEST:

City Clerk

SEP 09 2009

EASEMENT FOR PUBLIC UTILITIES

PUBLIC WORKS/ENGINEERING

THIS AGREEMENT, made and entered into this 3rd day of September, 2009, by and between LINN BENTON COMMUNITY COLLEGE, 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 15 foot wide water easement for the 53rd Avenue water line extension project. See legal description and map on attached Exhibit A and Vicinity map on attached Exhibit B.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
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.
6. No permanent structure shall be constructed on this easement.

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

GRANTOR:

Linn Benton Community College

Jim Huckestein
Jim Huckestein, Vice President, Finance & Operations

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

The instrument was acknowledged before me this 3rd day of September, 2009,
by Jim Huckestein, Vice President, Finance & Operations,
on behalf of Linn Benton Community College.



Renee Windsor-White
Notary Public for OR
My Commission Expires: Oct. 16, 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

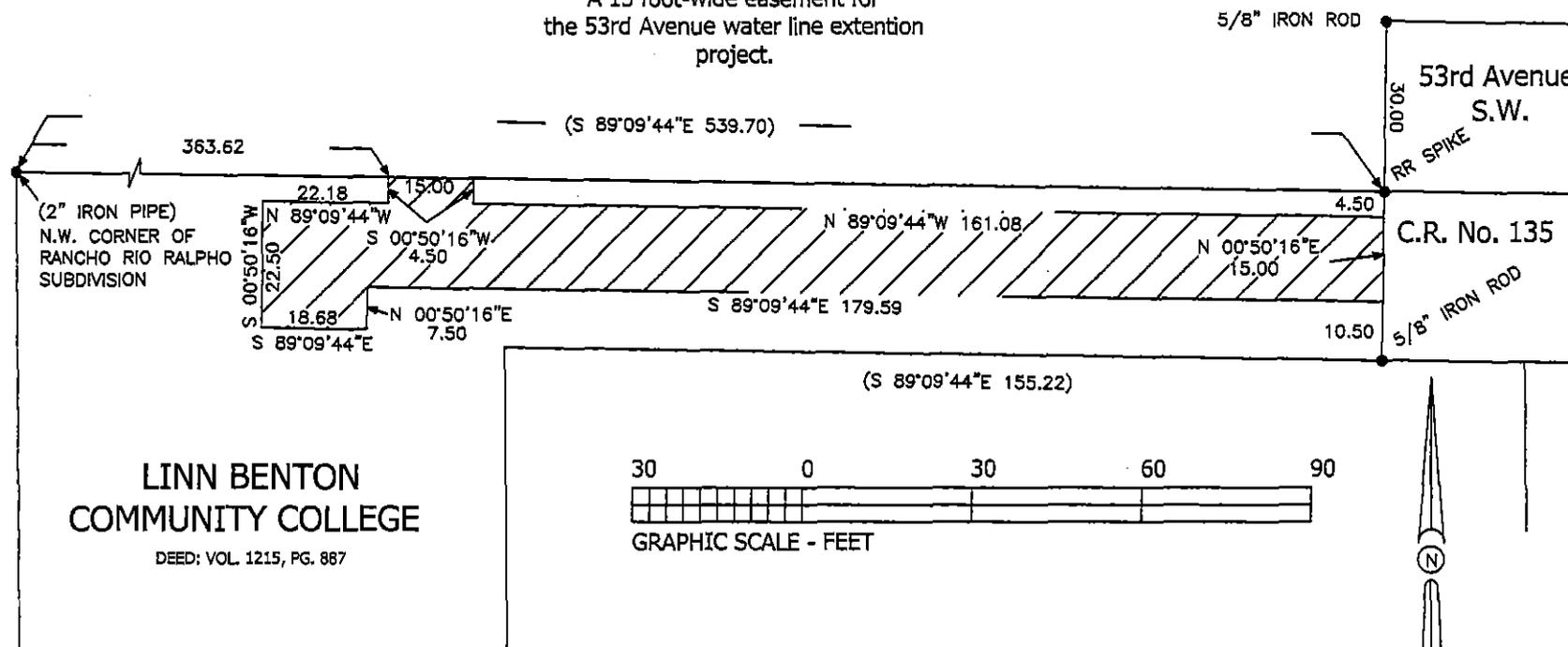
ATTEST:

City Clerk

EXHIBIT A

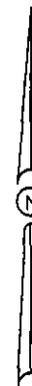
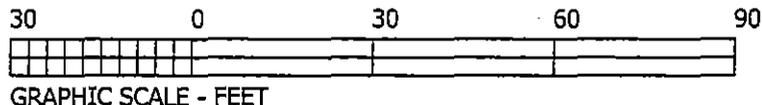
11S04W24 00625

A 15 foot-wide easement for
the 53rd Avenue water line extension
project.



**LINN BENTON
COMMUNITY COLLEGE**

DEED: VOL. 1215, PG. 887



EASEMENT DESCRIPTION

Beginning at a point on the North line of and South 89°09'44"East 363.62 feet from the Northwest corner of the Rancho Rio Ralpho subdivision, a subdivision of record in Section 23, Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; thence South 00°50'16"West 4.50 feet; thence North 89°09'44"West 22.18 feet; thence South 00°50'16"West 22.50 feet; thence South 89°09'44"East 18.68 feet; thence North 00°50'16"East 7.50 feet; thence South 89°09'44"East 179.59 feet to the West end of Linn County Road No. 135 (53rd Avenue S.W.); thence North 00°50'16"East, on said West end of County Road No. 135, a distance of 15.00 feet; thence North 89°09'44"West 161.08 feet; thence North 00°50'16"East 4.50 feet to said North line of the Rancho Rio Ralpho subdivision; thence North 89°09'44"West 15.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darryl W. Harms

OREGON
JULY 30, 1978
DARRYL W. HARMS
1079

RENEWAL DATE 6/30/11

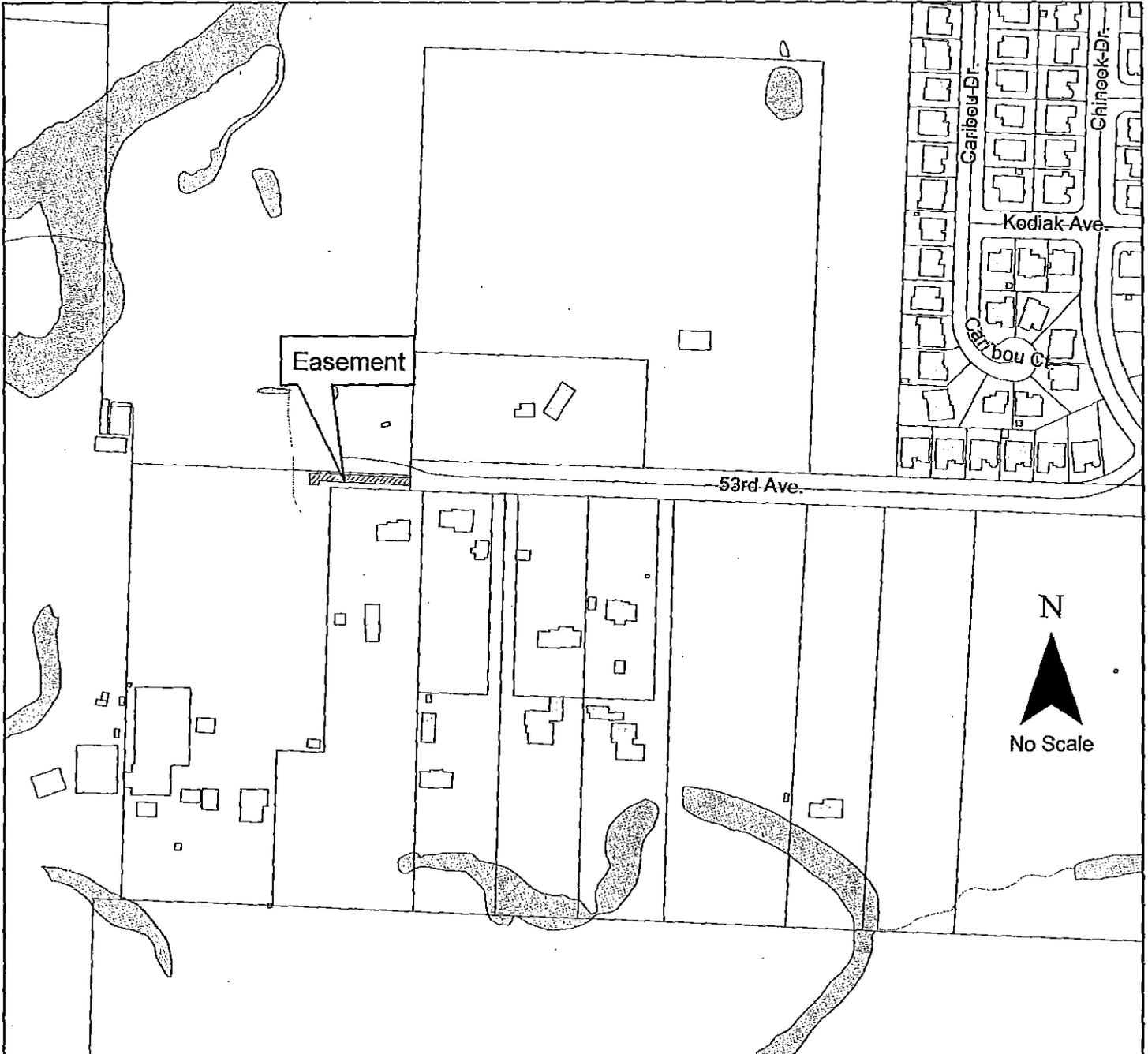
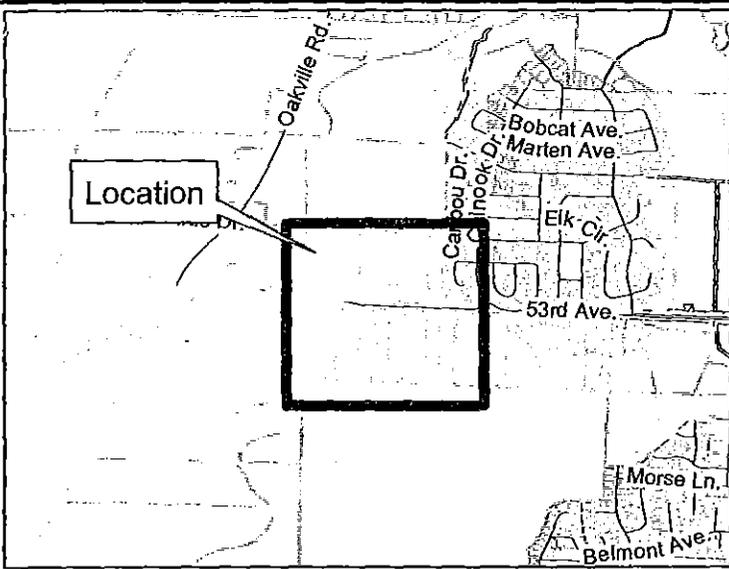
EXHIBIT B

11SO4W24 00625

A 15 foot-wide water easement for the 53rd Avenue water line extension project.



Geographic Information Services





TO: Albany City Council

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

FROM: Mark Shepard, City Engineer, P.E., City Engineer *MS*
Ron Irish, Transportation Systems Analyst *R Irish*

DATE: September 10, 2009, for the September 23, 2009, City Council Meeting

SUBJECT: ODOT Highway 99E Safety Project IGA

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends Council authorize the City Manager, by motion, to sign an intergovernmental agreement with Oregon Department of Transportation (ODOT) for safety improvements along Highway 99E.

Discussion:

On August 10, 2009, ODOT made a presentation to Council describing the improvements proposed for a safety project on Pacific Boulevard and asked for approval of an intergovernmental agreement (IGA). Council questioned the closure planned for Main Street north of Pacific Boulevard and requested that ODOT look at the possibility of installing a “pork chop” to limit movements to right-in and right-out instead of closing the intersection. ODOT’s regional traffic engineer reviewed the request and concluded that ODOT could support a right-in movement from Pacific boulevard onto Main Street, but could not support the right-out movement. A revised IGA has been prepared that reflects a right-in only movement from Pacific Boulevard onto Main Street. No city funds will be needed to make the change in project scope, and the improvements previously planned with the project on the city system (primarily repaving Hill between Seventh Avenue and Pacific Boulevard) remain in the project.

The Pacific Boulevard/Geary Street intersection is the No. 1 Safety Priority Index System (SPIS) site in Oregon on the state highway system. The goal of the project is to reduce the high crash rate currently occurring on Pacific Boulevard between Geary Street and the Union Pacific Railroad Overpass.

Two factors contribute to the high crash rate. One involves the merging of traffic just west of where Pacific Boulevard and Santiam Highway come together at Geary street. The second factor is crossing movements across the highway system at minor side streets. In an effort to address these problems, the project will make the following changes:

- Restripe Pacific Boulevard west of Geary Street so one lane drops on the north side of the highway and a second lane drops on the south side of the highway. Currently, both drop lanes occur on the north side of Pacific Boulevard.
- Restrict the north leg of Sherman Street at Pacific Boulevard to right turns in and right turns out.
- Restrict the north leg of Main Street at Pacific Boulevard to only allow right turn in movements from Pacific Boulevard.

- Close the “gull-wing” on-ramp (located just west of Madison Street) to Pacific Boulevard to all but emergency vehicles.

In addition to these safety changes the project will also reconstruct the pavement on Hill Street between Seventh Avenue and Pacific Boulevard, and modify the traffic signal at the Ninth Avenue/Hill Street intersection to provide for protected southbound left-turn movements from Hill Street onto Ninth Avenue.

ODOT has developed and provided the City with an Intergovernmental Agreement (attached) for the project.

Budget Impact:

There is no budget impact to the City. ODOT is paying all project costs.

RGI:prj
Attachment

COOPERATIVE IMPROVEMENT AGREEMENT
Oregon Route 99E: Chicago Street – Southern Pacific Rail Road (SPRR)
City of Albany

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and the CITY OF ALBANY, acting by and through its elected officials, hereinafter referred to as "Agency," collectively hereinafter referred to as the "Parties."

RECITALS

1. Oregon Route 99E and US 20, also known as Pacific Boulevard, and the portion of 9th Avenue within the city limits are part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). Geary Street, Sherman Street, Main Street, Hill Street Madison Street and 7th Avenue are part of the city street system under the jurisdiction and control of Agency.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.
4. Maintenance and power costs for the signal upgrades at 9th Avenue and Hill Street are addressed in Miscellaneous Contracts and Agreements No. 10663.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree that State shall perform the following:
 - a. restripe Pacific Boulevard between Hill Street and Southern Pacific Rail Road (SPRR);

- b. signing improvements to the existing Pacific Boulevard sign bridge at Geary Street;
- c. remove and reconstruct the existing raised island at the gull wing on-off ramp, restrict the gull wing on-ramp to emergency vehicles only;
- d. construct and install striping changes, road improvements and curbing at the intersection of Hill Street and 7th Avenue;
- e. construct and install signal improvements at the intersection of Hill Street and 9th Avenue;
- f. turning movement changes on the north side of Pacific Boulevard at Main Street;

all hereinafter referred to as "Project". The location of the Project is approximately as shown on the map attached hereto, marked Exhibit A, and by this reference made a part hereof.

- 2. The Project will be financed at an estimated cost of \$1,203,003 in State funds. The estimate for the total Project cost is subject to change. State shall be responsible for Project costs beyond the estimate.
- 3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance and power responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within ten (10) calendar years following the date of final execution of this Agreement by both Parties.

AGENCY OBLIGATIONS

- 1. Agency agrees that State shall acquire all right of way needed for construction of the Project. Agency shall, upon completion of Project, accept jurisdiction and control over and provide maintenance of the right of way at the southwest corner of Hill Street and 7th Street.
- 2. Agency shall retain power responsibilities for the signal upgrades at the intersection of Hill Street and 9th Avenue. Power company shall continue to send power bills to Agency.
- 3. Agency shall, upon successful completion and acceptance of Project by State, accept ownership and control of those improvements connected with operation of city streets.

4. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its subcontractors complies with these requirements.
5. Agency acknowledges and agrees that State, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
6. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof; Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
7. Agency, by execution of Agreement, gives its consent as required by ORS 373.030(2) and ORS 105.760 to any and all changes of grade within the Agency limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Agreement.
8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.
9. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
10. Agency's Project Manager for this Project is Ron Irish, City of Albany, PO Box 490, Albany, Oregon 97321-0144 ; telephone (541) 917-7634, or assigned designee upon individuals absence. State's Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State, or its consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, preliminary engineering and design work required to produce and provide final plans, specifications and cost estimates for the highway Project; identify and obtain all required permits; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid and contract documents; advertise for construction bid proposals; award all contracts; pay all contractor costs, provide technical inspection, project management services and other necessary functions for sole administration of the construction contract entered into for this Project.
2. State, or its consultant, shall acquire all necessary rights of way according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and State Right of Way Manual. Title to properties acquired shall be in the name of State. Properties adjacent to the southwest corner of Hill Street and 7th Street shall be acquired through Temporary and Permanent Easement. Properties adjacent to OR 99E shall be acquired in fee and remain in the name of State after completion of Project.
3. State shall cause to be relocated or reconstructed, all privately or publicly owned utility conduits, lines, poles, mains, pipes, and all other such facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the Project in order to conform the utilities and other facilities with the plans and the ultimate requirements for the portions of the Project which are on Agency right of way.
4. State shall, upon Project completion, transfer to Agency all right of way acquired on the southwest corner of Hill Street and 7th Street. The specific method of conveyance will be determined by the Parties at the time of transfer and shall be coordinated by the State's Region 2 Right of Way Manager.
5. State shall be responsible for all costs associated with construction and installation of the Project.
6. State shall, upon completion and acceptance of Project, accept jurisdiction and control over all improvements made within State's right of way as part of the Project.
7. State shall, upon completion of Project, at its own expense, perform and be responsible for maintenance of Project with the exception of the southwest corner of Hill Street and 7th Avenue, as identified in Agency Obligations, paragraph 1.

8. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
9. State shall be responsible for signing and inspection for Project.
10. State's Agreement contact for this Project is Jerry Wolcott, Area 4 Project Leader, 3700 SW Philomath Boulevard, Corvallis, Oregon 97333; telephone (541) 757-4211, or assigned designee upon individual's absence. Agency's Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - d. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If Agency fails to maintain facilities in accordance with the terms of this Agreement, State, at its option, may maintain the facility and bill Agency, seek an

injunction to enforce the duties and obligations of this Agreement or take any other action allowed by law.

5. Both Parties shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless each other, their officers and employees from any and all claims, suits, and liabilities which may occur in their respective performance of this Project.
6. Notwithstanding the foregoing defense obligations under the paragraph above, neither party nor any attorney engaged by either party shall defend any claim in the name of the other party or any agency/department/division of such other party, nor purport to act as legal representative of the other party or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of such other party. Each party may, at anytime at its election assume its own defense and settlement in the event that it determines that the other party is prohibited from defending it, or that other party is not adequately defending its interests, or that an important governmental principle is at issue or that it is in the best interests of the party to do so. Each party reserves all rights to pursue any claims it may have against the other if it elects to assume its own defense.
7. The Parties hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
8. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
9. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

City of Albany/ODOT
Agreement No. 25,016

IN WITNESS WHEREOF, the Parties, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

This Project is in the 2006-2009 Statewide Transportation Improvement Program, (Key #13664) that was approved by the Oregon Transportation Commission on August 17, 2005 (or subsequently approved by amendment to the STIP).

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

Signature Page to Follow

City of Albany/ODOT
Agreement No. 25,016

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, Paragraph 1, in which authority is delegated to the Deputy Director, Highways, to approve and sign agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

CITY OF ALBANY, by and through its
elected officials

By _____

Date _____

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Counsel

Date _____

Agency Contact:

Ron Irish
City of Albany
PO Box 490
Albany, Oregon 97321-0144

State Contact:

Jerry Wolcott
Area 4 Project Leader
3700 SW Philomath Boulevard
Corvallis, Oregon 97333

STATE OF OREGON, by and through
its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/Chief
Engineer

Date _____

By _____
State Traffic Engineer

Date _____

By _____
Region 2 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date: _____

City of Albany/ODOT
Agreement No. 25,016

