

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Council Chambers
Monday, April 6, 2009
4:00 p.m.

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: Councilor Dick Olsen.

BUSINESS FROM THE PUBLIC

There was no business from the public.

NORTH ALBANY LIFT STATION CONSTRUCTION MANAGER/GENERAL CONTRACTOR CONTRACT AWARD BID

Councilor Bill Coburn declared a conflict of interest. If the bid is awarded to C & M Construction of Sherwood, Oregon, Coburn will be a subcontractor to them. He recused himself and left the dais.

Civil Engineer III Peter Harr said this is a companion project to the Wastewater Treatment Plant (WTP) upgrade. Currently the lift station off-loads all of the North Albany flow from the river interceptor, over the Lyons Street Bridge, and discharges it to the south side. This will shift that load from Hickory Street to the WWTP and discharge directly on site. The project would allow the City to meet the Department of Environmental Quality (DEQ) order to prevent five-year storm events from occurring. It will also increase pump station capacity itself. Harr described the permitting process from the various agencies and all that was involved in gaining the necessary approvals for this project.

Harr said C & M Construction has been selected to finalize the route and complete the final design.

Councilor Floyd Collins asked, did we have to upsize the Water Avenue river interceptor sewer line? Harr said they did not because it is too expensive. Harr explained that though this project is expensive, the alternative was actually even more expensive.

Collins asked, will the 14" line across the existing bridge be available in the event of an emergency? Harr said, we plan to keep it just in case even though we have no intent to use it. We will need to provide a means to flush it out.

Collins said at a North Albany Neighborhood Association (NANA) meeting several weeks ago, a resident was surprised to see stakes along the roadside. A discussion about notification process for the neighbors followed.

Public Works Director Diane Taniguchi-Dennis said staff followed up with the resident Collins spoke to and learned that he had heard about the project, but felt it was not as public as it should have been or advertised in enough arenas. Collins said he is comfortable with the number of times folks were notified.

City Manager Wes Hare said the City is still in negotiations with the railroad. They want \$28,100 for the right-of-way (ROW) along the railroad trestle and under the trestle, along with fees. The license is from a short line. Hare is not happy that they want to charge a fee for the City to occupy the space, when they use City property without any compensation. Hare said City Attorney Jim Delapoer has asked the railroad to waive the charges for that reason.

CITY HAZARD ANALYSIS

Fire Chief John Bradner thanked Councilor Ralph Reid for discovering math errors in the matrix that was part of the staff report. Bradner passed out a new matrix (see agenda file).

Bradner said that in 2006, the City adopted the mitigation plan based on the 2004 hazard analysis. Every five years it is repeated, so for 2009 a hazard analysis was completed. Bradner said they sent out surveys with the goal of updating the hazard migration plan by 2010. The return rate for the survey was 41 percent, which is higher than previous return rates. Bradner said, this time we targeted a more focused group of individuals and agencies involved in hazardous events.

Albany City Council Work Session
Monday, April 6, 2009

Bradner noted that the analysis does not predict hazards, but rather identifies Albany's weaknesses so we know where to focus prevention. The staff report includes the results of Benton County. A full report is in the agenda packet.

Bradner said local businesses contact the City for this information. It allows them to put together their emergency plans.

Hare said this report is timely, following the earthquake in Italy. In that tragic event a scientists actually predicted the quake a few weeks ago on his website, but the government forced him to withdraw it for being an alarmist. Hare said that on April 28 the City will be simulating an earthquake scenario.

Hare commended Darrel Tedisch, Emergency Management Specialist, and Bradner. All the directors have attended the National Incident Management System training.

Tedisch described the emergency management grants the City received.

OAK STREET LID ASSESSMENT METHODOLOGIES

Civil Engineer II Jeff Woodward handed out potential assessments for the Oak Street Local Improvement District (LID) (see agenda file).

Assistant Public Works Director/City Engineer Mark Shepard explained that the assessment methodologies were developed in such a way that if the portion of Oak Street between Pacific Boulevard and 9th Avenue is not done, the City will not have to redo the methodology.

Shepard said staff considered what the best methodology would be to reflect the impact to, and the benefits for, the properties. There are a wide range of uses in the area: single family residential, multi-family, commercial, and office professional. Staff concluded that trip-generation was the most appropriate method. They held a neighborhood meeting, which was well attended, on March 10. Shepard said there were two major themes resulting from that meeting. The first was that the City should participate in the LID cost because when the City took the road over from Linn County in 1990, they were paid over \$300,000 as representation of the cost to bring Oak Street up to urban city street standards, or (more likely) the level of maintenance Linn County would have provided over time. The second theme was that Kinder Park should bear more of the assessment cost and that the methodology might have been contrived to favor the park.

Shepard is asking for direction on two issues: if the Council is willing to put City funds towards the Oak Street LID, and what the appropriate methodology would be. This is a policy decision for the Council.

Delapoer said there are two elements for the LID: legislative and quasi-judicial. The final decision to adopt the LID is quasi-judicial, and all the preceding decisions are legislative. He cautioned the Council on procedure. For example, if they have exparte communication only with one side, it will prejudice the other side; so he encouraged the Council to limit the input they get. Today's meeting is informational and the Council should not accept testimony from the audience. It was not advertised as a public hearing so it is unfair to hear from one side and not the other.

Staff reviewed the five methodology options: trips, frontage, area, zoning, and trips for residential/collector split.

Delapoer cautioned the Council that they cannot make their decision on this LID based on what may or may not be decided in the future land-use proceeding. They are both quasi-judicial decisions (land use and LID) and must be decided on their own merit.

Shepard said the Council can mix and match methodologies on areas of the map. Staff has built flexibility into the process. Staff would like to have a methodology set before the land use action is set. Also, Systems Development Charges (SDC) funding for both components is an option. Sixty percent of the 9th Avenue to Queen Avenue project is eligible under the new Transportation System Program (TSP) and 100 percent of the extension between 9th Avenue and Pacific Boulevard is eligible once the TSP is adopted and the funds become available.

The Council discussed the proposed changes to 9th Avenue and Pacific Boulevard to accommodate traffic movement coming from community commercial sites and crossing from Sherman Street to Geary Street; and the costs of acquisition of the property and demolition of the building on the lot in between them.

Coburn asked, could we use a bond measure to fund the improvements? Shepard said yes, the project was actually part of a bond measure that failed. Coburn asked why this street was considered for bond funding. Konopa said it was street reconstruction only, and would have been supported by all City tax payers. It did not include water, sewer, etc.

Shepard said, the City has not formed an LID for street maintenance before. Collins said, if we did, it would be like paying a second time for a fully improved street. Delapoer said it has not been used in Albany before, but it might be possible. It would be very difficult however to provide uniformity when using LIDs for street reconstruction. Discussion followed.

Reid said, based on what we did with Marion Street and Broadway Street, the City could put money into any other street.

Taniguchi-Dennis said that currently Jackson Street is a priority in the Capital Improvement Program, so we are saving highway exchange money for it. The other money is \$660,000 in capital reserves but that applies to all streets. The challenge is that there is little to no new revenues coming into that fund.

Councilor Bessie Johnson agrees that the City should put some money into the project based on the County's previous reimbursement; though she is not sure the City should extend Oak Street right now.

Coburn asked, is there a restriction on the size of the LID? Delapoer said, we have to make a reasonable calculation that shows that everyone in the boundary gets a special benefit. Access to the park is a general benefit, not a special benefit. By law it is considered a benefit if a property's frontage is being improved or the improvement enables the property to be developed. The Council can increase the amount it wants to allocate to Kinder Park, but not as an assessment. There is a legal difference between incidental, general, and special benefits.

Hare pointed out that some properties outside the boundary that were asked to pay for the street, may have already paid for the street they live on.

Konopa said the buildable land property owners do benefit, but the neighbors do not see it that way since they lose their parking and traffic volume increases.

Johnson asked, does the City collect on the liens or do we wait until the property sells? Delapoer described the law that allows the City to charge quarterly payments at below market rate interest. Eventually, the property could be foreclosed on. Woodward described the state program for assistance-deferred-assessments based on income, age, and residency.

Collins suggested bringing this to a public hearing.

Collins is bothered that the residents would lose parking. Staff explained that to allow parking they would have to remove the planting strip or something else. Collins wants to maintain parking on at least one side. Konopa added that the street should meander to slow traffic.

Reid asked, why are we discussing this since the City has no money to put towards it? Is the formation of the LID important at this time? Delapoer said in general, we can require the land use applicant to mitigate the cost of their application if they have the minimum necessary to build. If the Council stops their review now, the land use will go through the Planning Commission and the Council can determine what will be stipulated in the conditions of approval.

Collins does not want to look at this project piece-meal. He supports having all the improvements done now, but he is not sure about who should pay which portion yet.

Hare said this is a difficult project because there are many competing interests. Regardless of what development goes in on that corner, most would agree that a tax-paying business is better than an unsightly lot. It is zoned for commercial development so there is strong support to fill it. On the other hand, we have existing deficiencies in our streets and it would be unfair to have a developer fix them beyond their share. We also have a new park which is a benefit to neighbors, but also a detriment because of increased traffic. Regardless of when the Council makes this decision, it will not be an easy one. We are inheriting problems that are out of our control, such as Pacific Boulevard and Santiam Highway's intersection being rated in the top ten percent for accidents in the state and as a result, ODOT's involvement. Hare said postponing a decision now is simply delaying the inevitable.

Collins thinks we should use the trip-generation methodology, have the City participate in the amount of \$376,000 for residential medium (RM) and single-family residential (SFR) properties, and make the northern section SDC eligible with adoption of the Transportation Master Plan.

Johnson thinks we should take the \$376,000 off the top and would like to see that calculation as well.

Staff will bring back these two calculations.

LEAF COLLECTION AND STREET SWEEPING REPORT

Assistant Public Works Director Mike Wolski passed out the staff report dated March 19, 2009, for the March 23, 2009, work session (see agenda file).

Wolski passed out a chart (see agenda file) that compares Albany's franchise agreement to Corvallis' agreement with Allied Waste (AW). The chart shows that for some services, Albany customers pay more than Corvallis customers.

Collins said Albany is also treated differently than Corvallis by ODOT on landscape maintenance fees for the highways. He is in favor of rebidding the leaf pick up service, but opening up negotiations with AW to include leaf pick up in our franchise agreement. He does not think leaf pick up should become a City function at this time.

Albany City Council Work Session
Monday, April 6, 2009

Hare asked if the Council is interested in bidding the entire collection service. There are several large waste management companies.

Coburn said, street sweeping and leaf removal are different issues. About 50 percent of cities pick up leaves for citizens. The idea of throwing them in the street and just waiting for them to be picked up bothers him, since some streets have little to none but other streets have a considerable volume of leaves. He suggested AW could have a user fee so that residents can choose if they want their leaves picked up or not. The question is, is it the City's responsibility to pick them up?

Collins said, we are Tree City USA. It is a community-wide benefit and a transportation service. Leaf removal saves streets and sewers. Regardless of who does it, it should be done systematically. It is a solid waste.

Hare added, it also has been a long-standing service in Albany.

Konopa asked, if we go out for bid can we stipulate the equipment they use? She prefers the type of street sweeper the City uses to the type that AW uses. Staff said mandating specific equipment might limit the responses to the bid.

Taniguchi-Dennis said, staff can provide a cost for City employees to continue the service and the Council could evaluate that along with the bids received. Collins said his experience in the city of Salem makes him cautious about having City employees provide the service because of possible overtime costs, whereas with a contract a cap can be enforced. Taniguchi-Dennis would rather have City employees do it because they can operationally see the condition of the streets. Cities tend to do their own sweeping; it's the leaf pick up portion that is offered by 50 percent of cities. Discussion followed.

The Council agreed to give the City Manager authority to negotiate with Allied Waste, or to reopen bids for solid waste collection services, collectively and separately, for garbage pick up, street sweeping, and leaf collection.

COUNCILOR COMMENTS

There were no Councilor comments.

CITY MANAGER REPORT

There was no City Manager report.

ADJOURNMENT

There being no other business, the Work Session adjourned at 6:24 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director