

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

MINUTES

CALL TO ORDER

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

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

CENSUS 2010 UPDATE

This item was moved to later on the agenda.

DOWNTOWN PARKING STUDY

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

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

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

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

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

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

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

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

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

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

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

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

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

CENSUS 2010 UPDATE

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

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

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

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

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

REQUEST FOR TURN RESTRICTION, NINTH AND SHERMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROBERT'S RULES OF ORDER REFRESHER

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

COUNCILOR COMMENTS

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

Johnson supports writing a letter.

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

Olsen pointed out that Albany endorsed tax breaks for Weyerhaeuser.

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

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

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

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

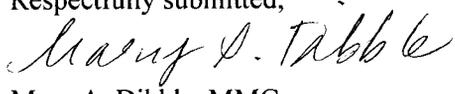
CITY MANAGER PRO TEM REPORT

Finance Director Stewart Taylor had nothing to report.

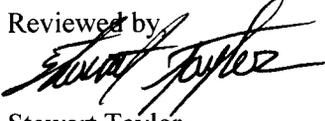
ADJOURNMENT

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

Respectfully submitted,


Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by


Stewart Taylor
Finance Director