

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 accidents 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