

CITY OF ALBANY
CITY COUNCIL (WORK SESSION)
Municipal Court Room
Monday, March 22, 2010
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:02 p.m.

ROLL CALL

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

Councilors absent: Councilor Bill Coburn.

BUSINESS FROM THE PUBLIC

There was no business from the public.

AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

Community Development Director Greg Byrne introduced Disability Access Coordinator Lisa Bennett. Bennett has been working to develop a Transition Plan, attached to the staff report.

Bennett gave a PowerPoint presentation (see agenda file).

Bennett said that last fall staff applied for Community Development Block Grant funding. One step was to show that the City had performed a self-evaluation at any City facility where the public is served. From that evaluation Bennett compiled a list of items needed to improve accessibility. It is also an American's with Disabilities Act (ADA) requirement to perform a self-evaluation.

Bennett discussed the public comment process. There are times when staff may be able to accommodate requests even if the City has already met the federal requirement; though there are other times they cannot. Bennett provided examples.

Currently staff is evaluating City buildings. Later they will evaluate curb ramps, bus stops, and parks.

Councilor Ralph Reid asked, what is the total cost for all improvements? Bennett said so far it is under \$50,000.

Bennett has a list of disability advocates in the community who have asked to be involved in the plan. She also works with the DSAC (Disability Services Advisory Council) of the Council of Governments (COG), with Oregon Paralyzed Vets of America, and Disability and Business Technical Assistance Center (DBTAC) Northwest. Those groups will be reviewing the Transition Plan as well.

City Manager Wes Hare gave a history of what the City has done so far to improve accessibility. He said that the ADA rules passed in 1991. Over the years the City has made analysis on a sporadic basis, but has not had a staff person dedicated to the task until now. Hare said Bennett has done a great job. The Transition Plan will be an ongoing document.

Councilor Floyd Collins asked, is there a timeframe to come into compliance? Hare said no; but we are vulnerable at anytime. If someone with a disability feels this jurisdiction is not meeting the requirements of the ADA, they can file suit. This has happened in other cities, such as Bend. The longer the City is out of compliance, the greater the risk. Having a Transition Plan puts us in a better position to defend ourselves if necessary. Hare said Bennett has worked hard to build bridges and relationships with the community.

Bennett added that ADA doesn't let transition plans go out more than three years so it will continue to be updated.

There was discussion about parking space regulations in the Two Rivers Market parking lot.

Reid asked, are we required to make concessions for all disabilities? Byrne said the law allows for them to ask for "reasonable accommodation".

The next step is for the plan to receive public comment.

DEVELOPMENT FEES

Byrne gave a review of the policy basis for development fees, the methodology, past practice, and impacts. Byrne gave a PowerPoint presentation (see agenda file).

Byrne asked the Council to consider if they agree with the average cost recovery method; what the appropriate cost recovery percentage is; and what timeframe should be used.

Collins said, whenever he considers raising fees he wants to know what the department has done to control the costs. Byrne said that in Planning they have eliminated a Supervisor position and they now share an Administrative Assistant with the Building Division. He has not eliminated other positions. He has four Planners on staff that perform both current and long range development review. The total FTEs devoted to development review is 5.7, including Public Works staff. Discussion followed about cost recovery in the General Fund.

City Manager Wes Hare suggested that tracking actual cost recovery would be difficult because it involves tracking exactly how much time each person spends on each application. Tracking expenses can become disproportionate to the project. He suggests they use an average cost recovery instead.

Councilor Jeff Christman asked, does the state regulate how the average cost is calculated? Byrne said no.

Christman referred to the fee schedule that was submitted at the January 25, 2010, Work Session (see agenda file). The schedule shows rates at 50%, 75%, and 100%.

Council consensus was to use an average cost recovery method.

Reid asked, will there be a public hearing? Byrne said yes, but first he would like to prepare a solid proposal.

The Council discussed what an appropriate cost recovery percentage might be. Christman thinks it would be premature to determine that tonight. He prefers to see the costs first.

Planning Manager Don Donovan said that an important discussion to have is whether a developer should pay 100% of the fees every time; or if a portion should be subsidized from the General Fund if there is determined to be a public benefit to the review.

Collins would like to offer a range of rates at the public hearing to point out that there may be a difference in the level of public benefit. The Council asked for the schedule to show average cost recovery at 25%, 50%, 75%, and 100%.

There was discussion about how staff will compensate for Donovan's work upon his retirement. Clearly, there will be an impact following the loss of this long-term employee.

There was discussion about the inability to recover the cost of staff research and copies during a LUBA appeal. Collins suggested that there could be a charge to appeal and that if the applicant were successful, the fee could be refunded because they pointed out a flaw in the process. If the appeal was not successful, the fee would not be refunded. Discussion followed about charging for appeals.

COUNCILOR COMMENTS

Reid described his recent trip to Washington DC. He was able to meet with Representative Peter Defazio and received a favorable reception for funding of canal operations. He was not able to meet with Ron Wyden.

CITY MANAGER REPORT

There was no report from the City Manager.

ADJOURNMENT

There being no other business, the Work Session adjourned at 5:35 p.m.

Respectfully submitted,

Mary A. Dibble, MMC
Deputy City Clerk

Reviewed by,

Stewart Taylor
Finance Director