



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, February 23, 2011
 6:45 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. RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (2)(h)
5. RECONVENE
6. SCHEDULED BUSINESS

a. Communication

- 1) Accepting resignation from John Vandepas from the City Tree Commission. [Pages 1-2]

Action: _____

b. Business from the Public

c. Adoption of Resolutions

- 1) Establishing system development charges for impacts to the Albany Transportation System, establishing an appeal fee, and repealing Resolution No. 5806. [Pages 3-10]

Action: _____ RES. NO. _____

- 2) Granting the Airport Manager specific authority with regard to aircraft that are not airworthy or for which the appropriate fees have not been paid. [Pages 11-12]

Action: _____ RES. NO. _____

d. Adoption of Consent Calendar

1) Approval of Minutes

- a) January 24, 2011, City Council Work Session. [Pages 13-16]
- b) January 31, 2011, City Council Work Session. [Pages 17-21]
- c) February 9, 2011, City Council Regular Session. [Pages 22-25]

- 2) Approving a liquor license for Clemenza Café & Wine Shop, 236 First Avenue SW. [Page 26]
RES. NO. _____

- 3) Appropriating a special purpose grant from the Fiscal Year 2010 State Homeland Security Grant Program to provide for the services of an Americorps VISTA (Volunteers in Service to America) member and materials to assist the Linn-Benton Vulnerable Populations Committee in developing a Linn-Benton Vulnerable Populations Plan. [Pages 27-28] RES. NO. _____

- 4) Appropriating a special purpose grant from the Fiscal Year 2010 State Homeland Security Grant Program to provide phase two of a regional urban search and rescue exercise. [Pages 29-30] RES. NO. _____

- 5) Granting a temporary easement to Northwest Natural Gas. [Pages 31-36] RES. NO. _____

6) Municipal Court Judge. [Pages 37-41]

- a) Approving contract renewal for Municipal Court Judge Robert Scott for CY2011. [Pages 37 - 40]
- b) Appointing Municipal Court Judge Pro Tems, and repealing Resolution No. 5883. [Page 37 & 41].

RES. NO. _____

Action: _____

e. Appointments

1) City Tree Commission. [Page 42]

Action: _____

2) Traffic Safety Commission. [Page 42]

Action: _____

f. Reports

1) Police and Fire Facility Assessments and Evaluations. [Pages 43-81]

Action: _____

2) Takena Street, Queen Avenue to 12th Avenue. [Pages 82-90]

Action: _____

3) Lowe's project update. [verbal]

Action: _____

7. BUSINESS FROM THE COUNCIL

--Councilor Olsen: Albany Municipal Code 6.18, Dangerous Dogs. [Pages 91-93]

8. NEXT MEETING DATE: Work Session March 7, 2011

Regular Session March 9, 2011

9. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net



TO: Albany City Council
FROM: Sharon Konopa, Mayor
DATE: February 16, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Resignation from the City Tree Commission

Information:

John Vandepas was appointed to the City Tree Commission at the January 12 meeting. Since then, John was hired as a City employee effective February 11, 2011. By Council policy [Resolution No. 5222], City employees are prohibited from serving on City boards, commissions, and committees. After discussing this with John, he decided he wanted to keep his City employment and withdraw from his commission appointment.

SK:ldh

Hyde, Laura

From: Sharon Konopa [sharonkonopa@juno.com]
Sent: Wednesday, February 16, 2011 2:36 PM
To: Hyde, Laura
Subject: Fw: Re: Need a confirmation

----- Forwarded Message -----

From: vandepas2@comcast.net
To: Sharon Konopa <sharonkonopa@juno.com>
Date: Wed, 16 Feb 2011 22:29:05 +0000 (UTC)
Subject: Re: Need a confirmation
Message-ID: <1744688676.1088557.1297895345515.JavaMail.root@sz0152a.emeryville.ca.mail.comcast.net>

To Whom It May Concern:

As of this day, I resign from the City of Albany Tree Commission.

John Vandepas
2/16/2011

----- Original Message -----

From: "Sharon Konopa" <sharonkonopa@juno.com>
To: vandepas2@comcast.net
Sent: Wednesday, February 16, 2011 1:07:39 PM
Subject: Need a confirmation

Hello John.....since you were appointed to the Tree Commission, I now need an email stating your resignation. Sorry for the inconvenience. Could you reply back as soon a possible? Thank you.....Sharon



TO: Albany City Council
VIA: Wes Hare, City Manager
Diane Taniguchi-Dennis, P.E., Public Works Director *Handwritten signature*
FROM: Jeni Richardson, P.E., Civil Engineer III *Jeni*
Ronald G. Irish, Transportation Systems Analyst
DATE: February 3, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Proposed Transportation System Development Charge
RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Item revisited following 3:2 vote on February 9, 2011: In accordance with the City Council's direction, staff requests that Council adopt the attached resolution implementing a new Transportation System Development Charge for impacts to the Albany transportation system.

Discussion:

The Albany City Council adopted a new Transportation System Plan (TSP) in February 2010 to guide development and upgrades for Albany's road, bike, and pedestrian networks today through the year 2030. The TSP identifies \$242 million dollars worth of transportation projects inside the Albany city limits. About half of those projects will be needed to serve projected future development over the next 20 years.

In July 2010 Council reviewed the methodology that establishes the maximum transportation System Development Charges (TSDC) at \$10,423 per p.m. peak hour trip. Council also reviewed two TSDC fee levels that would move from the current fee of \$1,734 per single family home to \$3,000 either at once or over a five-year period. The two fee options were designed to fund all the near-term projects in the first 10 years. The ramped fee option responds to current slow development activity but would lose an estimated \$1 million in revenues in the first five years, which means certain projects on the list would not get done.

In January 2011 Council held a public hearing on the TSDC methodology and two TSDC fee options. After consideration of the public testimony, Council adopted the TSDC methodology but expressed concern about the two fee options due to the current economy and whether recovery will keep up with the proposed 5-year ramp assumptions. Staff was directed to develop a TSDC fee resolution that implements a flat TSDC fee structure and retains the current TSDC charged a single family home. Following discussion of this fee option on February 2, 2011, Council directed staff to bring the ramped fee option from the January public hearing to the next Council meeting. The resolution includes a statement that the intent is to use a review of economic indicators as a basis for the future annual step increases.

The attached resolution establishes the TSDC base fee and includes the list of funded projects based on the fee structure that ramps from the current fee to \$3000 over a five-year period. Beginning in 2012, Council will consider economic indicators as a basis for the next step increase prior to July each year.

Budget Impact:

If adopted, the Transportation SDC will become effective on February 23, 2011. The revenue received will vary based upon specific development activity.

JMR:kw

Attachment: Resolution

c: Janet Steele, Albany Chamber of Commerce
John Pascone, Albany Millersburg Economic Development
Jerry Running, Willamette Valley Homebuilders Association

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING SYSTEM DEVELOPMENT CHARGES FOR IMPACTS TO THE ALBANY TRANSPORTATION SYSTEM, ESTABLISHING AN APPEAL FEE AND REPEALING RESOLUTION NO. 5806 (A RESOLUTION REVISING TRANSPORTATION SYSTEM DEVELOPMENT CHARGES, REAFFIRMING AN SDC CREDIT POLICY, REAFFIRMING AN APPEAL FEE AND REPEALING RESOLUTION NO. 5429).

WHEREAS, through the historic adoption of ordinances establishing and amending Albany Municipal Code 15.16 regarding system development charges, the Council of the City of Albany has duly declared its intent to comply with the provisions of ORS 223.207 through 223.208 and 223.297 through 223.314; and

WHEREAS, a methodology for the calculation of an improvement and reimbursement fee system development charge for the transportation system in Albany has been developed as specifically described in Resolution No. 5972; and

WHEREAS, the adopted methodology resulted in a maximum allowable fee of \$10,423; however in the interest of promoting economic development, the City Council deemed it desirable to charge less than the legally allowable charges; and

WHEREAS, the *Engineering News Record* (ENR) Construction Cost Index (Seattle) in February 2010, when the project list and costs within the Transportation System Plan were adopted was 8647; and

WHEREAS, it is the intent to bring back an analysis of economic indicators to be used as a basis for future annual step increases.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution No. 5806 is hereby repealed; and

BE IT FURTHER RESOLVED that an improvement fee and a reimbursement fee transportation system development charge for Albany hereby be established as described herein; and

BE IT FURTHER RESOLVED that an appeal fee is hereby established as described herein.

BASE FEE ESTABLISHED

The base unit for the transportation system development charge (SDC) improvement and reimbursement fee will be p.m. peak hour trip end as defined in the latest version of the Trip Generation manual by the Institute of Transportation Engineers (ITE). The base fee for a single trip end ramps up from \$1,716.83 to \$2,970.30 over a 5-year period to account for anticipated slow recovery of development activity. The base fee for a single trip is a combination of an improvement and a reimbursement base fee as shown below.

Year	Base SDCi Fee	Base SDCr Fee	Total Base Fee for a Single Trip End
2011	\$1,281.19	\$435.64	\$1,716.83
2012	\$1,595.05	\$435.64	\$2,030.69
2013	\$1,907.92	\$435.64	\$2,343.56
2014	\$2,220.79	\$435.64	\$2,656.43
2015	\$2,534.65	\$435.64	\$2,970.29

CALCULATING THE SYSTEM DEVELOPMENT CHARGE

Residential, institutional, business and commercial, office, and industrial development SDC fees are computed by multiplying the base SDC fee by the associated basis for trip determination and by the associated p.m. peak hour trip end rate for the given land use. This calculated fee is further reduced to allow for a pass-by trip credit that varies by land use. Pass-by trip factors are 8% for industrial and office (ITE Category 000-199 and 700-799), 20 percent for institutional (ITE Category 300-699), and 50% for business and commercial (ITE Category 800-999).

A sample SDC calculation for a single family house (ITE Category 210) for the first year is shown below.

SDC Calculation for a Single Family House (ITE Category 210)				
	P.M. Peak Trip Rate ¹	Pass-By Factor ²	Base Fee for a Single Trip Fee	SDC Fee
SDCi	1.01	1.00	\$1,281.19	\$1,294
SDCr	1.01	1.00	\$ 435.64	\$ 440
Total			\$1,716.83	\$1,734

¹ P.M. Peak Trip Rate for given land uses are defined in the latest edition of the ITE manual

² Data for pass-by trip reduction factors are taken from an analysis of traffic impact fees developed by Anthony Rufolo, Center for Urban Studies, Portland State University

A sample SDC calculation for other land uses for the first year (2011) is shown below.

ITE Code	Description	Units	PM Peak Trips	Pass by Factor	Base Fee for a Single Trip Fee	SDC Fee
220	1 Apartment	1 unit	0.62	1.00	\$1,716.83	\$1,064
110	Light Industrial	1000 sf	0.91	0.92	\$1,716.83	\$1,437
140	Manufacturing	1000 sf	0.73	0.92	\$1,716.83	\$1,153
520	Elementary School	1000 sf	1.21	0.80	\$1,716.83	\$1,662
710	General Office	1000 sf	1.49	0.92	\$1,716.83	\$2,353
720	Medical Office	1000 sf	3.46	0.92	\$1,716.83	\$5,465
814	Specialty Retail	1000 sf	2.71	0.50	\$1,716.83	\$2,326
820	Shopping Center	1000 sf	3.73	0.50	\$1,716.83	\$3,202
862	Home Improvement Superstore	1000 sf	2.37	0.50	\$1,716.83	\$2,034
911	Walk-In Bank	1000 sf	12.13	0.50	\$1,716.83	\$10,413
931	Quality Restaurant	1000 sf	7.49	0.50	\$1,716.83	\$6,430
932	High Turnover Restaurant	1000 sf	11.15	0.50	\$1,716.83	\$9,571
934	Fast Food W/Drive Thru	1000 sf	33.84	0.50	\$1,716.83	\$29,049

SDC CREDITS

Pursuant to Albany Municipal Code Section 15.16.090, a credit against the transportation SDC fee shall be given in the following situations:

A. Credit for prior use:

Pursuant to AMC 15.16.090 (1), a credit against the reimbursement and improvement fee portions of the SDC shall be given in an amount of the SDCi and SDCr calculated for the existing use if it is less than the SDCi and SDCr calculated for the proposed use. If the change in use results in the SDCi or SDCr for the proposed use being less than the SDCi or SDCr for the existing use, no SDCi or SDCr shall be required for that fee portion; however, no refund or credit shall be given.

B. Credit for the cost of a qualified public improvement associated with the development:

Pursuant to AMC 15.16.090 (2), a credit against the improvement fee portion of the SDC shall be given for the cost of a qualified public improvement required as a condition of development approval. A qualified public improvement must also be identified in the funded section of the project list in *Figure A: SDC Eligible Projects Funded by the Adopted Fee Schedule* (see below). A funded project can be either wholly or partially funded with SDCi fees. Projects can move between the funded and unfunded sections according to AMC 15.16.060 (3).

The credit shall not exceed the dollar amount (adjusted annually using ENR Seattle Construction Cost Index) in the SDC column in *Figure A* associated with a qualified improvement in the funded projects group. If the credit exceeds the amount of TSDCi to be paid by the development, then the excess credit may be applied against transportation improvement fees that accrue in subsequent phases of the original development project. In summary, credits are possible only for projects identified in *Figure A* as having SDC funding and only to the extent that it is SDC funded.

On-site: A project that meets these qualification criteria and is located in whole or in part, on or contiguous to the property, and that is required to be built with greater capacity than is necessary for the particular development needs and exceeds the minimum standard facility size, will have reserve capacity. The applicant shall have the burden of demonstrating that a particular qualified transportation improvement will have a reserve capacity. The Highway Capacity manual (HCM), or other City-approved traffic engineering methodology, shall be the approved method for calculating reserve capacity. The reserve capacity shall be expressed as a percent of the construction cost for said improvement. That portion of the construction cost that represents the reserve capacity, when multiplied by the percent of said project funded with the SDCi fee as identified in *Figure A* will be the estimated credit. The actual credit will be the lower of the estimated credit and the dollar amount (adjusted using ENR Seattle Construction Cost Index) in the funded SDC column in *Figure A* associated with said project.

Off-site: A project that meets these qualification criteria that is not located on or contiguous to property (an off-site improvement) is qualified for a SDCi credit. The credit shall be the lower of the actual construction cost or the dollar amount (adjusted using ENR Seattle Construction Cost Index) in the funded SDC column in *Figure A* associated with said project.

C. Credit for reducing the number of trip ends the development will generate using automobiles:

Transit or Pedestrian: A credit against the improvement fee portion of the SDC shall be possible if the development is in an established transit or pedestrian district or if a program to be instituted in connection with the development is determined by the City Engineer to materially reduce the number of trip ends the development will generate using automobiles and the extent of improvements necessary to serve the development, and that the reduction will continue for at least 10 years after the development is occupied.

The reduced SDC will be calculated based upon the number of trip ends the development will generate with the trip end reduction program in effect. Before granting the credit, the City shall receive assurances that will bind the owner and the owner's successors to perform the program for the time required.

D. Credit for reducing the number of peak hour trips the development will generate using automobiles:

Off-peak Work Hours: A credit against the improvement fee portion of the SDC shall be possible if a program to be instituted in connection with the development is determined by the City Engineer to materially reduce the number of peak hour trips the development will generate using automobiles and the extent of improvements necessary to serve the development, and that the reduction will continue for at least 10 years after the development is occupied. The reduced SDC will be calculated based upon the number of trip ends the development will generate with the peak hour trip reduction program in effect. Before granting the credit, the City shall receive assurances that will bind the owner and the owner's successors to perform the program for the time required.

APPEAL PROCEDURE AND FEE

Pursuant to Albany Municipal Code Section 15.16.100(5), an appeal fee of \$100 per appeal is hereby established.

Appeal submittal by parties appealing their calculated fee (AMC Section 15.16.100(3)) shall:

- a) Conform to AMC Section 15.16.100 procedures;
- b) Use standard study methodology and data collection forms and procedures for conducting a local trip generation study described in Albany’s adopted “Traffic Impact Study Guidelines” and the ITE Trip Generation Manual; and
- c) Be prepared by or under the direct supervision of a Professional Civil or Transportation Engineer currently licensed to practice within the State of Oregon, and with special training and experience in transportation engineering and planning. The engineer shall certify the document by providing a signature and seal of approval.

Figure A: SDC Eligible Projects Funded by the Adopted Fee Schedule

Year 1-10 funded projects are in column 7. All short- and mid-term projects are funded.
Year 11-20 funded projects are in column 8.

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDC Eligible	TSDC Eligible & Funded Years 1-10	TSDC Eligible & Funded Years 11-20
B1	14th Avenue	short	100%	\$2,000	\$2,000	\$2,000	
B2	Waverly Drive	short	100%	\$5,000	\$5,000	\$5,000	
B3	Hill Street	long/dev	100%	\$743,000	\$743,000		\$743,000
B4	24th Avenue	short	100%	\$5,000	\$5,000	\$5,000	
B5	Jackson Street	short	100%	\$674,000	\$110,000	\$110,000	
B6	Center Street	short	100%	\$6,000	\$6,000	\$6,000	
B7	US 20, North Albany	long/dev	100%	\$31,000	\$31,000	\$31,000	
B8	1st Avenue	long/dev	100%	\$43,000	\$43,000		
B9	2nd Avenue	long/dev	100%	\$43,000	\$43,000		
B10	Madison Street/7th Avenue	long/dev	100%	\$40,000	\$40,000		
B11	7th Avenue	long/dev	100%	\$95,000	\$95,000		
B12	Takena	long/dev	100%	\$53,000	\$53,000		\$53,000
B13	Liberty/Lakewood	long/dev	100%	\$76,000	\$76,000		
B14	12th Avenue (West)	mid	100%	\$32,000	\$32,000	\$32,000	
B15	Bain Street	long/dev	100%	\$49,000	\$49,000		
B16	South Shore Drive	long/dev	100%	\$33,000	\$33,000		
B17	Shortridge Street	long/dev	100%	\$27,000	\$27,000		
B18	24th Avenue	long/dev	100%	\$44,000	\$44,000		\$44,000
B19	38th Avenue and 39th Avenue	mid	100%	\$106,000	\$106,000	\$106,000	
B20	Lyon Street	short	100%	\$2,000	\$2,000	\$2,000	
B21	Ellsworth Street	short	100%	\$4,000	\$4,000	\$4,000	
I1	Main Street/Salem Avenue/3rd Avenue	short	100%	\$1,088,000	\$1,088,000	\$1,088,000	
I2	Main Street/Santiam Avenue/4th Avenue	short	69%	\$255,000	\$175,950	\$175,950	
I3	14th Avenue/Heritage Mall Access	short	100%	\$41,000	\$41,000	\$41,000	
I4	14th Avenue/Clay Street	short	100%	\$10,000	\$10,000	\$10,000	
I5	Waverly Avenue/14th Avenue	short	100%	\$41,000	\$41,000	\$41,000	
I6	Waverly Avenue/Queen Avenue	long/dev	100%	\$72,000	\$72,000		
I7	Waverly Avenue/Grand Prairie	long/dev	100%	\$175,000	\$175,000		
I8	US 20/North Albany Road	short	13%	\$40,000	\$5,200	\$5,200	
I9	US 20/Springhill Drive	short	23%	\$14,000	\$3,220	\$3,220	

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDC Eligible	TSDC Eligible & Funded Years 1-10	TSDC Eligible & Funded Years 11-20
I10	Knox Butte/Century Drive	short	0%	\$345,000	\$0	\$0	
I11	34th Avenue/Marion Street	mid	100%	\$345,000	\$345,000	\$345,000	
I12	US 20 (Lyon Street)/2nd Avenue	mid	16%	\$23,000	\$3,680	\$3,680	
I13	US 20/Clay Street	mid	20%	\$185,000	\$37,000	\$37,000	
I14	OR 99E/34th Avenue	long/dev	32%	\$192,000	\$61,440		\$61,440
I15	34th Avenue/Hill Street	long/dev	100%	\$350,000	\$350,000		\$350,000
I16	Ellingson Road/Columbus Street	long/dev	100%	\$345,000	\$345,000		\$172,500
I17	Waverly Avenue/14th Avenue	long/dev	100%	\$77,000	\$77,000		\$77,000
I18	Queen Avenue/Geary Street	long/dev	100%	\$1,901,000	\$1,901,000		\$950,500
I19	Waverly Avenue/34th Avenue	long/dev	100%	\$42,000	\$42,000		
I20	US 20 (Ellsworth Street)/1st Avenue	mid	22%	\$18,000	\$3,960	\$3,960	
I21	US 20 (Lyon Street)/1st Avenue	mid	23%	\$11,000	\$2,530	\$2,530	
I22	US 20 (Lyon Street)/1st Avenue	mid	23%	\$10,000	\$2,300	\$2,300	
I23	US 20 (Ellsworth Street)/2nd Avenue	mid	23%	\$17,000	\$3,910	\$3,910	
I24	OR 99E/Waverly Avenue	long/dev	27%	\$959,000	\$258,930		\$258,930
I25	US 20/Waverly Drive	long/dev	29%	\$853,000	\$247,370		\$247,370
I26	US 20/Waverly Drive	long/dev	29%	\$240,000	\$69,600		\$69,600
I27	OR 99E/Queen Avenue	long/dev	26%	\$894,000	\$232,440		\$232,440
I28	OR 99E/34th Avenue	long/dev	32%	\$456,000	\$145,920		
I29	OR 99E/Killdeer Avenue	long/dev	28%	\$3,207,000	\$897,960		
I30	US 20/Timber Street	long/dev	44%	\$571,000	\$251,240		\$251,240
I31	US 20/Timber Street	long/dev	44%	\$619,000	\$272,360		
I33	Knox Butte/New North/South Collector	long/dev	100%	\$525,000	\$0	\$0	
I34	Springhill Dr./Hickory St.	long/dev	100%	\$345,000	\$345,000		\$345,000
I35	Gibson Hill Rd/Crocker Ln	mid	100%	\$345,000	\$345,000	\$345,000	
I36	Timber St Extension/18th Ave/Spicer Dr ROW	short	100%	\$650,000	\$650,000		\$650,000
I36	Timber Str. Extension/18th Ave/Spicer Dr	long/dev	100%	\$863,000	\$863,000		\$441,000
I37	OR 99E / 29th Ave	long/dev	28%	\$106,000	\$29,680		
I38	Salem Avenue/Geary Street	long/dev	28%	\$845,000	\$236,600		\$236,600
I39	OR 99E/Lyon Street	long/dev	16%	\$205,000	\$32,800		
I40	OR 99E/53rd Avenue	long/dev	38%	\$550,000	\$209,000		\$209,000
L1	53rd Avenue Extension	long/dev	54%	\$17,986,000	\$9,712,440		
L2	Waverly Drive	long/dev	36%	\$1,394,000	\$501,840		\$317,772
L3	Washington/Calapooia/1st/2nd	short	42%	\$100,000	\$42,000	\$42,000	
L4	Timber Street Extension ROW	short	100%	\$966,000	\$966,000		\$483,000
L4	Timber Street Extension	long/dev	100%	\$2,708,000	\$2,708,000		\$1,354,000
L5	Main Street - 7th Avenue - Hill Street	mid	64%	\$1,292,000	\$826,880	\$826,880	
L6	North Albany Road	mid	29%	\$5,847,000	\$1,695,630	\$1,695,630	
L6	North Albany Road ROW	short	100%	\$19,000	\$19,000		\$19,000
L8	Lochner-Columbus Connector	long/dev	100%	\$2,742,000	\$2,742,000		\$548,400
L9	Queen Avenue	long/dev	12%	\$0	\$0		
L10	New North Albany Connector	long/dev	100%	\$5,818,000	\$5,818,000		\$2,794,000
L11	Spicer Drive Extension (West of Timber St.)	long/dev	100%	\$982,000	\$982,000		\$491,000
L12	Spicer Drive Extension (East of Timber St.)	long/dev	100%	\$1,666,000	\$1,666,000		
L13	Goldfish Farm Road Extension	long/dev	100%	\$1,013,000	\$1,013,000		\$303,900
L14	Dogwood Avenue Extension	long/dev	100%	\$3,294,000	\$3,294,000		\$658,800
L15	New North/South Collector - LID	short	100%	\$2,548,000	\$0	\$0	
L15	New North/South Collector	long/dev	100%	\$4,949,000	\$4,949,000		\$989,800
L16	New East/West Collector	long/dev	100%	\$3,723,000	\$3,723,000		\$744,600
L17	Expo Parkway Extension (south of Dunlap)	long/dev	100%	\$996,000	\$996,000		\$199,200

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDC Eligible	TSDC Eligible & Funded Years 1-10	TSDC Eligible & Funded Years 11-20
L18	Timber St Extension to Somerset Avenue	long/dev	100%	\$1,720,000	\$1,720,000		\$344,000
L19	Somerset Avenue Extension - LID	short	100%	\$383,000	\$0	\$0	
L19	Somerset Avenue Extension	long/dev	100%	\$1,270,000	\$1,270,000		\$254,000
L20	Santa Maria Avenue Extension	long/dev	100%	\$1,872,000	\$1,872,000		\$374,400
L21	Knox Butte Road Widening ROW	short	100%	\$1,478,000	\$1,478,000		\$1,478,000
L21	Knox Butte Road Widening	long/dev	60%	\$3,169,000	\$1,901,000		\$1,901,000
L22	Knox Butte Road Widening ROW	short	100%	\$31,000	\$31,000		
L22	Knox Butte Road Widening	long/dev	56%	\$825,000	\$462,000		
L23	Knox Butte Road Widening	long/dev	52%	\$1,256,000	\$653,120		
L24	Knox Butte Road Widening	long/dev	47%	\$7,688,000	\$3,613,360		
L25	Dunlap Avenue Extension	long/dev	100%	\$1,045,000	\$1,045,000		\$209,000
L26	Springhill Road Widening	long/dev	61%	\$3,406,000	\$2,077,660		
L27	US 20 Widening	long/dev	18%	\$8,351,000	\$1,503,180		
L28	Ellingson Road Extension	long/dev	61%	\$4,430,000	\$2,702,300		
L30	Oak Street	short	100%	\$2,130,000	\$2,130,000	\$2,130,000	
L31	Fescue Street to Three Lakes Road Connector	long/dev	100%	\$886,000	\$886,000		\$177,200
L32	Fescue Street Extension	long/dev	100%	\$3,054,000	\$3,054,000		
L33	Three Lakes Road Realignment ROW	short	59%	\$750,000	\$442,500		
L33	Three Lakes Road Realignment	long/dev	59%	\$1,868,000	\$1,102,120		
L34	Looney Lane Extension	long/dev	100%	\$914,000	\$914,000		\$182,800
L35	Albany Avenue Widening	long/dev	26%	\$1,177,000	\$306,020	\$306,020	
L36	W Thornton Lk Dr, N Albany Rd & N Alb Middle School	long/dev	11%	\$565,000	\$565,000	\$565,000	
L37	Springhill Drive	long/dev	18%	\$4,158,000	\$748,440		
L38	Scenic Drive	long/dev	10%	\$6,842,000	\$684,200		
L39	Century Drive	long/dev	52%	\$3,199,000	\$1,663,480		
L40	Gibson Hill Road	long/dev	6%	\$3,816,000	\$228,960		\$228,960
L41	Skyline Drive	long/dev	0%	\$1,523,000	\$0		
L42	Crocker Lane	long/dev	30%	\$4,529,000	\$1,358,700		
L43	Valley View Drive	long/dev	40%	\$3,695,000	\$1,478,000		
L44	West Thornton Lake Drive	long/dev	11%	\$6,097,000	\$670,670		
L45	Allen Lane	long/dev	56%	\$2,689,000	\$1,505,840		
L46	Columbus Street	long/dev	49%	\$2,727,000	\$1,336,230		
L47	Grand Prairie Road	long/dev	53%	\$2,260,000	\$1,197,800		
L48	Spicer Drive	long/dev	32%	\$868,000	\$277,760		
L49	Scravel Hill Road	long/dev	21%	\$9,699,000	\$2,036,790		
L50	Quarry Road	long/dev	21%	\$3,493,000	\$733,530		
L51	Spicer Road	long/dev	54%	\$676,000	\$365,040		
L52	Goldfish Farm Road	long/dev	82%	\$4,444,000	\$3,644,080		
L53	Ellingson Road	long/dev	49%	\$5,847,000	\$2,865,030		
L54	Lochner Road	long/dev	44%	\$5,756,000	\$2,532,640		
L55	Three Lakes Road ROW	short	42%	\$287,000	\$120,540		\$120,540
L55	Three Lakes Road	long/dev	42%	\$4,569,000	\$1,918,980		
L56	US 20 - East of I-5	long/dev	44%	\$2,068,000	\$909,920		
L57	Santa Maria Avenue	long/dev	91%	\$694,000	\$631,540		
L58	Oak Street	short	65%	\$2,186,645	\$1,588,000	\$1,588,000	
L59	Water Avenue	short	50%	\$4,070,000	\$2,035,000	\$2,035,000	
L60	US 20 Superelevation and Widening	long/dev	22%	\$3,122,000	\$686,840		
L61	Three Lakes Road	long/dev	0%	\$1,879,000	\$0		
M1	Queen/Geary Periwinkle Path	short	70%	\$46,000	\$32,200	\$32,200	

1	2	3	4	5	6	7	8
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDC Eligible	TSDC Eligible & Funded Years 1-10	TSDC Eligible & Funded Years 11-20
M2	Oak Creek Trail	long/dev	70%	\$2,645,000	\$1,851,500		\$200,000
M3	West Timber-Linn Trail	mid	70%	\$161,000	\$112,700	\$112,700	
M4	South Waterfront Trail	mid	70%	\$76,000	\$53,200	\$53,200	
M5	Albany-Corvallis Multiuse Path	mid	70%	\$435,000	\$304,500	\$304,500	
M6	Albany-Corvallis Multiuse Path	long/dev	70%	\$761,000	\$532,700		
M7	East Timber-Linn Trail	long/dev	70%	\$277,000	\$193,900		\$193,900
M8	Bain Street/Waverly Lake Trail	long/dev	70%	\$153,000	\$107,100		\$107,100
M9	Lebanon Trail	long/dev	70%	\$581,000	\$406,700		
M10	Periwinkle Trail Extension	long/dev	70%	\$1,528,000	\$1,069,600		
M11	East Albany Willamette River Bridge	long/dev	70%	\$7,657,000	\$5,359,900		
M12	99E/Oak Creek	long/dev	70%	\$129,000	\$90,300		
M13	US 20/99E Undercrossing	long/dev	70%	\$1,500,000	\$1,050,000		
P1	Springhill Drive	mid	70%	\$542,000	\$379,400	\$379,400	
P2	99E/24th Avenue	long/dev	70%	\$129,000	\$90,300		
P3	Oregon 99E: Burkhart to Waverly	long/dev	70%	\$129,000	\$90,300		
P4	Ferry Street	long/dev	70%	\$725,000	\$507,500		
P5	Columbus Street	long/dev	70%	\$277,000	\$193,900		
P6	Geary Street	long/dev	70%	\$791,000	\$553,700	\$553,700	
P7	Airport Road	long/dev	70%	\$485,000	\$339,500		
P8	Killdeer Street	long/dev	70%	\$174,000	\$121,800		
P9	Waverly Drive	long/dev	70%	\$88,000	\$61,600		
P10	Albany-Santiam Canal Pedestrian Esplanade	long/dev	70%	\$1,232,000	\$862,400		
P11	Thurston Street Canal Pedestrian Esplanade	long/dev	70%	\$1,863,000	\$1,304,100		
P12	Gibson Hill Road	short	70%	\$1,034,000	\$723,800	\$723,800	
S1	ADA Accessibility Audit	short	0%	\$25,000	\$0	\$0	
S2	Hwy 20 Corridor & Downtown Refinement Plan	short	100%	\$250,000	\$250,000	\$250,000	
S3	Safety Audit	short	0%	\$30,000	\$0	\$0	
S4	OR 99E Speed Study	short	0%	\$0	\$0	\$0	
S5	Downtown STA	short	0%	\$0	\$0	\$0	
S6	Albany TSP MPO Update	mid	32%	\$350,000	\$112,000	\$112,000	
S7	Major Corridors	long/dev	0%	\$0	\$0		
S8	Wayfinding	long/dev	0%	\$25,000	\$0		
S9	Interstate 5 / OR 99E / Knox Butte	long/dev	100%	\$100,000	\$100,000	\$100,000	
S10	Interstate 5 / US 20 (Santiam)	long/dev	100%	\$100,000	\$100,000	\$100,000	
T1	ADA Accessibility Projects	mid	70%	\$430,000	\$301,000	\$301,000	
TOTALS				\$242 M	\$131 M	\$15 M	\$20 M

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Chris Bailey, Airport and Transit Manager
FROM: James V.B. Delapoer
DATE: February 17, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Resolution Authorizing Removal of Delinquent and Non-airworthy Aircraft

RELATES TO STRATEGIC PLAN THEME: ● Effective Government

At the City Council meeting on February 9, 2011, the City Attorney and Airport Manager discussed with the Council the need for specific regulatory authority authorizing the removal of non-airworthy aircraft and aircraft for which all appropriate City fees have not been paid. The Council directed that draft language be reviewed by the Airport Advisory Commission, and that review has now been completed.

The Airport Advisory Commission suggested specific language establishing a process for administrative removal of the aircraft without the assistance of the City Attorney. On review, I have recommended that the specific procedures necessary to provide the owner of the aircraft with due process be left out of the rule so that appropriate procedures can be provided in each individual instance as necessary. Because the problem we seek to address is, fortunately, not common, we think it makes sense to leave the procedural methodology out of the resolution and authorize the Airport Manager and the City Attorney to work together to coordinate a response to any particular problem. For example, in most cases, it will be necessary that we file for an injunction ordering the removal of the aircraft and/or providing for alternative remedies in the event that the owner fails to comply. In other cases, different procedures may be appropriate; but we would be better served by not trying to decide, in advance, what procedures will be employed in each individual instance.

The accompanying resolution authorizes the Airport Manager to take the necessary action to seek a judicial remedy in the event that unserviceable aircraft or aircraft delinquent in the payment of fees continue to be a problem at the airport. The City Attorney and the Airport Manager will be happy to address any questions which may be presented by Council.

JVBD:bd
Attachment

RESOLUTION NO. _____

A RESOLUTION GRANTING THE AIRPORT MANAGER SPECIFIC AUTHORITY WITH REGARD TO AIRCRAFT THAT ARE NOT AIRWORTHY OR FOR WHICH THE APPROPRIATE FEES HAVE NOT BEEN PAID

WHEREAS, privately owned aircraft at the Albany Municipal Airport are customarily stored in private hangars, City-owned tee hangars, or in open storage for which the City provides tie-down services; and

WHEREAS, problems have arisen in some circumstances wherein aircraft have been maintained in open storage for extended periods during which the aircraft have fallen into disrepair and are no longer airworthy; and

WHEREAS, long-term storage of aircraft that are no longer airworthy is not an appropriate use of limited City tie-down space or limited City tee hangar storage space; and

WHEREAS, aircraft owners and/or operators who utilize City tee hangars or City tie-down areas without paying all customary City fees required for their use of airport facilities are unfairly utilizing limited public resources.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the Airport Manager is authorized to require the removal of any aircraft in open storage at the Albany Municipal Airport or stored in a City-owned tee hangar if the aircraft is not airworthy. An aircraft will be deemed not airworthy if, in the reasonable judgment of the Airport Manager, the aircraft is not eligible for an airworthiness certification by appropriate regulatory officials and if that condition has continued for 90 of the previous 180 days; and

BE IT FURTHER RESOLVED that the Airport Manager is authorized to require the removal from the Albany Municipal Airport of any aircraft for which the applicable City fees have not been paid in full at any time within the prior 12 months; and

BE IT FURTHER RESOLVED that the Airport Manager is authorized to engage the assistance of the City Attorney to facilitate the removal of an aircraft subject to the terms of this resolution.

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

ATTEST:

Mayor

City Clerk

CITY OF ALBANY
 CITY COUNCIL (WORK SESSION)
 Municipal Court Room
 Monday, January 24, 2011
 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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, and Ralph Reid, Jr.

Councilors absent: None. Councilor Bessie Johnson arrived at 5:09 p.m.

BUSINESS FROM THE PUBLIC

There was no business from the public.

NORTH ALBANY FLOODPLAIN STUDY

Assistant City Engineer Jeff Blaine said the purpose of this agenda item is to preview the preliminary results of the North Albany Flood Plain Study. Blaine introduced Seth Jellen and Roger Sutherlin from Pacific Water Resources.

Blaine gave a PowerPoint presentation titled *North Albany Floodplain Evaluation* (see agenda file).

Blaine used a whiteboard (see agenda file) to describe the consultant's identification of an unmapped floodway during a 100-year flood event and another whiteboard that compared Federal Emergency Management Agency's (FEMA) floodplain boundaries with the consultant's boundaries. Blaine said the two main results of the study are the unmapped floodway and the difference in flood boundaries.

Councilor Jeff Christman asked, what is the cost to get FEMA to concur with our study? Blaine said that it would cost approximately \$70,000 to have the consultant complete the work effort, do some public outreach, and submit an application to FEMA.

Councilor Floyd Collins asked, if FEMA concurs that the consultant's study is more accurate than theirs, will they reimburse the City? Sutherlin said it is not likely. FEMA has had a difficult time (financially) since Hurricane Katrina. There may be some application fees that can be waived but they will not make reimbursements.

Christman asked what happens if the City were to not submit the application to FEMA but were to use the study results when reviewing development applications. Blaine said that if the two don't reconcile it would weaken the City's position if we were to deny development applications based on the study results; and if the boundary were already vetted through FEMA it would strengthen our position. The Packard subdivision is an example of a project that we denied and it was a wise decision, given the results of these studies and maps.

Sutherlin said that when we create a floodway under FEMA rules it doesn't mean nothing can happen, it means there is a process called "no-rise certification." For example, road crossings could occur but they have to demonstrate that the opening is adequate so they do not create problems.

Blaine said this study will identify residents who don't have insurance but should; and it will also identify others who may be paying for flood insurance but don't need it based on this study. Also if we do public outreach to explain the study and property owners purchase flood insurance before they are incorporated into the FEMA boundary, they will get a cheaper rate that can potentially carry over after the maps are amended.

Councilor Ralph Reid Jr. asked if this is the same problem that Linn County identified and if staff was coordinating with Benton County. Planning Manager Heather Hanson explained the differences between what Linn County was concerned about and what this study has identified. Blaine said that coordination with Benton County is part of the overall public outreach plan.

Collins asked to see the impact of the North Albany Road project on flood patterns. Blaine said they are actually favorable; the flood levels dropped several feet and will bring the project cost for the remainder of the road down. The project costs have been updated in the Capital Improvement Program. Jellen used an AutoCad program to point out the FEMA boundary in the area compared to the study results.

Staff explained that if FEMA concurs with the study there may be some grant funds the City can get to match other funds for retrofitting or moving a house, or other options – should one of the five homes identified in the floodway want to pursue relocation.

Sutherland pointed out that if there were an event and the structure was damaged, they would typically not allow it to be rebuilt back in the floodway. Also, when a person is in a floodway it means the waters will be fast moving, not just stagnant.

Discussion followed about the 1964 flood and how the capacity of reservoirs has increased since then; and how dredging rivers impacts a flooding event.

Collins pointed out that there are three (fingers) that feed Thornton Lake across from Highway 20. He asked if ODOT will ever increase the height of that road. Staff was not aware of any plans to raise Highway 20

Assistant Public Works Director/City Engineer Mark Shepard asked if the Council is comfortable with staff moving forward with public outreach; and to spend the money necessary to get FEMA's concurrence with the study. There was consensus from the Council for staff to proceed.

REQUEST FOR CITY TO COMPLETE STORMWATER WORK

Shepard said that Scott Lepman has requested the City remove one storm drain pipe on his property located at Columbus Street. The property is in the urban growth boundary but outside city limits. Lepman wants to do wetland mitigation on the property. Staff tentatively said he can remove the pipe and the City's storm drain system should work but it needs to be verified with an engineering study that he would pay for as part of his property development under a Site Improvement (SI) Permit. Shepard said staff offered to waive the SI fees, but Lepman wants the City to pay for engineering costs too.

Shepard said the two pipes were installed in the 1970s and are located in easements. The policy question for the Council to consider is if there is a public benefit to have the City pay for the removal of the pipe. The cost would be about \$15,000 for design, permitting, and removal. Discussion followed about the history of the pipes, the property, and permitting.

Lepman described the good faith efforts he took in this project, such as his contacts with City staff; concerns about the Goal 5 process; and why he wants the City to correct the problem at their cost, as outlined in a letter that he provided for the agenda packet.

Councilor Bessie Johnson arrived at 5:09 p.m.

Shepard said he checked with City staff and they do not recall or have a record of Lepman's contact to request permission to remove the pipe. Shepard did find a 1997 letter from the City to Linn County asking them to stop the fill permit on this property because there were some pipes located there. He did not find anything else.

City Manager Wes Hare said he toured the property with Lepman. There seems to be two issues: one is Goal 5, which is long-term and has to be completed for regulatory standards. The other is what to do with the pipes. Hare said, we can't decide anything relative to Goal 5 standards today; the decision today is what to do with the pipe.

Collins asked Lepman if he knew the pipes were in the easement when he made application to the Division of State Lands (DSL). Lepman said he did, although he did not prepare the information that was sent to DSL.

Shepard said if the pipes are removed the storm water will still end up in Oak Creek, but the question is if it will travel through a pipe or through a wetlands. Shepard said Lepman prefers it travel through a wetland and he thinks that would work, but they need to do engineering work to verify that. For example, there may be need for an energy dissipater at the end of the pipe.

Patrick Thompson, from Patrick S. Thompson Consulting, said it was designed so outflow would reestablish the flood plain and create wetlands. Currently it comes out of a big concrete culvert; but they were unaware there was one pipe below, so consequently the water flows to the old pipe below instead of straight into the creek. If the old pipe could be removed and filled in, it would help dissipate the water and that would be a public benefit.

Collins asked Lepman, if we agreed to shorten the pipe and change the point of discharge, can we have an easement for our storm water to go across your property? Also, who pays for the maintenance? Or if we have a defective culvert does it obligate the City to pay for that in the future? Collins takes issue with the fact that it showed up in a recorded easement which the owner would have had access too.

Collins asked if this was urgent. Thompson said they have to meet this year's goal performance standard or he is liable because he has the permit. If his monitoring doesn't meet the performance standard he will be in violation again. Konopa asked if two weeks would allow enough time. Thompson said yes.

Collins asked City Attorney Jim Delapoer what happens to the City's liability if a pipe located in a City easement is removed and consequently it changes the discharge location of the storm water. Delapoer said the City does have liability and anytime we change the water pattern we run the risk of regulatory violations. This is why staff wants to have an engineering evaluation performed. Delapoer pointed out that from a legal standpoint the City has no

obligation to pay for the study. They could choose to pay for it as a matter of policy, or they could choose not to and the liability rests with the property owner.

Lepman said his frustration is that he is creating a wetlands now, but Goal 5 remains an issue. He is reluctant to do anything with the pipe without the City telling him what to do. The goal is to create a bioswale but right now the pipe is acting as a drain.

Community Development Director Greg Byrne said that the status of Goal 5 will come to the City Council in March. They will be recommending safe harbor standards.

Shepard said the pipe needs to be removed or replaced.

Delapoer said that before the pipe was accidentally crushed it was a working system. Now we don't know what we have and if in the future the property is sold or subdivided then the City could be liable if the City does nothing. The prudent course would be to have some knowledge of what the removal would do; in other words there needs to be an engineer's study.

Thompson said that DSL and the Corps of Engineers and the City reviewed what was taking place and he recalls there was consensus that removal was better than an open ditch. He said that they had pipe and was going to put it in, but was told it would be better to be left as an open ditch.

Councilor Bill Coburn said he is concerned that Udell Engineering says the City said to remove it, but staff has no record of that directive. As far as he is concerned, that is a "draw". The next step is to remove the whole pipe since it has been damaged. He thinks it falls on the owner to remove it.

Lepman thinks he knows who he talked to but he is reluctant to say, because that person trusted him to go out and do the work.

Collins asked Thompson if there was a grade analysis and grade conflict done. Thompson said he will have to check.

Lepman said he would pay for the engineering work. He pointed out that he was trying to do something good; but Goal 5 is his concern.

Shepard and Lepman will work together to resolve the issue.

PUBLIC TRANSIT AND PARATRANSIT PLANS

Airport & Transit Manager Chris Bailey said the Albany Public Transit Plan and the ParaTransit Plan have been finalized. Staff will request the Council adopt the Paratransit Plan at the January 26, 2011, City Council meeting and the Transit Plan at the first City Council meeting in February in order to meet the deadlines associated with the Transportation System Plan (TSP). Tonight's work session is to receive the Council's comments about the final plans.

Collins asked if they are considering an increase to bus fares. Bailey said they considered increasing fares from .75 to \$1.00. Most users are low income so this may be difficult for them; but there is also a long-standing goal for Transit programs to become more self-supportive. Increasing the fares would give the City the ability to increase Call-A-Ride fares as well, because they are limited to double the price of Transit fares. Bailey said any fare increase would have to come to Council for approval.

Johnson is concerned that many bus routes end at 4:00 p.m. so are not helpful for the working folks. Bailey said extending the evening runs is one of the most requested changes by the public. The City did get grant funds for a pilot project and will extend midday routes until 6:00 p.m.

Bailey described how they track the rider's needs, and the changes in ridership after routes are changed.

Bailey spoke to the ParaTransit Plan. The City is required to have a separate plan under ParaTransit to meet American's with Disabilities Act (ADA) standards as a requirement to continue funding. The last update was in 1997.

Councilor Dick Olsen is concerned that fares for kids are the same as adult fares. That could be cost prohibitive for parents with multiple children. He suggested lower fares for kids.

CITY MANAGER

Hare said staff has been meeting with representatives from the city of Millersburg and Albany Millersburg Economic Development Corporation (AMEDC) regarding the use of the old International Paper (IP) properties. They are also discussing what will happen to the wastewater system that IP operated for themselves and Duraflake. If Duraflake loses access to IP's wastewater system it could cost millions to devise a wastewater solution. The last meeting included discussion about donation of the IP property. A solution needs to be found by 2012. It is only processing industrial effluent and stormwater now but has additional capacity.

Reid said if particle board is the only material in the effluent it could stagnate the flow. He suggested diverting it to Talking Waters for additional cleaning. Hare said that is an option to consider.

Hare said the Mayor of Tangent approached the City to see if we would be willing to declare that we have no interest in annexing them. Hare explained that Albany can't legally annex Tangent anyway, but Tangent would still like a commitment from Albany saying that we don't intend to do that. Hare asked Delapoe to craft a non-binding statement of intent. The Mayor of Tangent will be coming to the next City Council Meeting.

Reid noted that he has asked others if we want to provide Call-A-Ride service to Tangent and he was told no. It may also be a concern to Tangent that they may become part of a Metropolitan Planning Organization (MPO). Reid does not want to see this agreement in a Resolution at the Council meeting; he prefers the two Council's get together to discuss their concerns. Discussion followed.

Hare will suggest a joint meeting of the two Councils. He said Albany's relationship with Tangent thus far has been good.

COUNCILOR COMMENTS

There were no Councilor comments.

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660(2)(E)

The Executive Session was canceled.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:15 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Stewart Taylor
Finance Director

CITY OF ALBANY
 CITY COUNCIL (WORK SESSION)
 Municipal Court Room
 Monday, January 31, 2011
 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 Dick Olsen, Jeff Christman, Bill Coburn, Floyd Collins, Bessie Johnson, and Ralph Reid, Jr.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

COUNCILOR COMMENTS REVIEW OF ALBANY MUNICIPAL CODE 6.18 DANGEROUS DOGS

City Attorney Jim Delapoer said that in 2010 the Albany Police Department (APD) and the Municipal Court were involved in the classification of a dangerous dog. Staff passed out copies of the Albany Municipal Code (AMC), Section 6.18, Dangerous Dogs (see agenda file). This ordinance has been in effect many years and this is the first time the Council has been asked to review it.

Delapoer explained that according to the AMC, the Director's job is to make an initial determination of the classification of a dog based on the dog's behavior. The Director's decision can be reviewed by a Hearings Officer. The Police Chief has been designated as the "Director" and the Municipal Court Judge has been designated as the "Hearings Officer". Though it is a civil process, the determination criteria are in the ordinance to classify *potentially dangerous* dogs or *dangerous* dogs.

Delapoer said according to the ordinance's definition, a dangerous dog has caused serious injury or death of any person or has killed a domestic animal. It defines serious injury as an injury that requires stitches. In regards to Blue, the dog in question, the process went its course and Municipal Court Judge Robert Scott determined that Police Chief Ed Boyd made the correct decision in classifying the dog as dangerous. The ordinance says that if the dog is dangerous then the Hearings Officer must order that it be euthanized. The order has been stayed pending the City Council's review and will expire on February 7, 2011. Delapoer said he was contacted by Arlene Brooks, a veterinarian, to speak about Blue and the ordinance. Paul Meadowbrook, the dog owner's attorney, is also here.

Delapoer described the procedure. Under the ordinance there is no role for the Council to review a decision made by the Hearings Officer. The Council would be acting outside the scope of the ordinance if they were to change Judge Scott's decision and would be setting a precedent which could lead to being asked to review other Municipal Court decisions. This is a civil proceeding and there is an appeal right which directs the person to file a Writ of Review in Circuit Court if they feel the Municipal Court Judge was unfair. Such an appeal was not filed in Circuit Court.

Delapoer said that it is appropriate for the Council to consider changing an ordinance; and technically, it is not appropriate for the Council to hear testimony about Blue. However, Delapoer suggested the Council allow the owner and the veterinarian to speak, though they will need to be brief since there are other items on the agenda tonight. Then he will ask Boyd to speak about how the current ordinance was administered by his staff, not from the standpoint of review or appeal of the Judge's decision, but to give the Council a measure of confidence about what City staff is doing.

Councilor Bill Coburn wanted to understand the ordinance first. Delapoer and the Council reviewed *618.020, Classifications of levels of dangerousness*. Discussion followed about the difference between *potentially dangerous* and *dangerous*, and the impact of being at large.

Paul Meadowbrook, 913 1st Avenue E, wanted to address the definitions. He said there is a state law for dangerous dogs and it varies significantly from the City's ordinance. Meadowbrook read the definition in ORS 161.015 (8) which refers to serious physical injury: "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ." Meadowbrook said that Albany's ordinance says that stitches are serious. The City's is much stricter than the state law.

Meadowbrook said the other issue is provocation. The City's ordinance does not define it and it is not defined anywhere. He found a case in the Michigan Court of Appeals, where the issue was what provocation meant. It is called *Brans vs. Extrom*, from 2005, and it is the only one he found. The Michigan court said provocation is not

defined in the dog bite statute. They decided the definition would be what would reasonably provoke an animal to do something whether the person intended to provoke it or not. It used a "reasonable person" standard, in other words. Meadowbrook said this is a problem in the City's ordinance, because it has a different standard than state law. The City's is extremely strict. Meadowbrook said that Brooks will explain one bite versus another bite. The issues of injury and provocation are what the Council needs to address.

Arlene Brooks, DVM, 13012 Running Dog Lane SE, Turner, is from the Homestead Vet Clinic and the Last Chance Club. She had a whiteboard that contained two lists of dog bite provocations and a definition of provocation (see agenda file). She passed out a document titled "...a dog named Blue" (see agenda file). She read the statement on the first page. She said she hopes to present the information today that she had hoped to present at the hearing, to clarify provocation. If Blue was deemed dangerous, there is the option of a mitigating factor of provocation. She did not get to present that in Municipal Court and she thinks its absence would have made it difficult for the Judge to determine provocation. Today she wants to show what provokes a dog to bite.

Councilor Jeff Christman said he doesn't think it is the Council's job to rehear this case. He thinks it is the Council's job to look at the ordinance and consider changes. He wants to hear things that would potentially change the ordinance, not rehear the case. The Council is headed down a dangerous path by rehearing cases the Judge has already ruled on. The potential result is that just about anything that comes before the Judge, if someone doesn't like it, would come to the Council for the ordinance to be changed, and the Council would end up rehearing the case. Brooks said she didn't get to go over the case in Municipal Court and she also didn't get to present provocation. She said what she can do is give 15 reasons for provocation but asked the Council to bear in mind that it was not presented to the Judge as a mitigating circumstance. It will give a more defined basis for provocation. She said, we have to look at it from the dog's point of view and the human's. Brooks said that if Judge Scott understood provocation or had guidelines, he may not have made the same decision.

Brooks read the definition of provocation from the whiteboard: 1. the act that causes some action or feeling; 2. the act that angers, irritates, or annoys; 3. to call forth; evoke.

Brooks said that statistics show that there are 77 million dogs in the U.S. and there are 44 million people that have dogs. About 39% of households in the U.S. have more than two dogs. Brooks said that Blue was involved in food aggression. The toddler that was bit in this case was in a penned area while Blue was being fed and unfortunately Blue either nipped, or more likely just pushed the toddler's head out of his bowl. This is called food aggression.

Brooks said, there are 3 million dogs that get surrendered to shelters every year. In the shelters there are from 5-20% of dogs that are involved in food aggression; so 150,000 to 300,000 dogs in shelters display food aggression. That means that in the U.S., 3 to 15 million dogs will snap at your hand if you put it in their food bowl. This is what Blue did; but, it is also very trainable to change.

Brooks reviewed *Human Behavior-Based Provocations*:

1. Challenging dog for food or water
2. Attacking or perceived attacking of a dog or its companion
3. Encroaching on territory
4. Sickness/Injury
5. Failure to recognize the dog's insecurity or fear
6. Intervention in dog fights
7. Threatening human body language

Brooks said that in Blue's case if she could have explained that it was food aggression it would have made sense. A toddler putting a face in a food bowl was described in Municipal Court as not meeting the definition of provocation, but she respectfully disagrees.

She read the list of *Dog Behavior-Based Provocations*:

1. Fear and self defense
2. Food aggression
3. Territorialness
4. Possession aggression
5. Dominance aggression
6. Predatory instincts
7. Pain/sickness
8. Redirected aggression

Brooks said if this was considered in the ordinance, it could have factored into Blue's case.

Brooks directed the Council to the pictures of serious injuries in her document. It had several pictures of dog bite injuries including a picture of the injuries to the toddler that Blue bit. The City lists "stitches" in the ordinance; she said that may not be a good indication of severity. In human medicine, during the initial cleanup of facial wounds, any time a doctor can get a stitch in they will, in order to minimize scarring. She suggested rephrasing the ordinance

to "serious injury as determined by the attending physician or photographic wound evaluation by the County Health Officer." She said she reviewed the medical files for the toddler's injury and learned he had medical injections that gave the appearance of swelling. She asserted that the swelling was related to medical treatment, not the dog bite. Pictures of the pre-treatment swelling were among those Judge Scott reviewed. She also suggested that the wording "shall" be euthanized be changed to "could." She said that Blue bumped the toddler, or nipped the toddler, as the toddler got into the food bowl.

Councilor Floyd Collins asked, why didn't you present this during court? She said she doesn't know, but she wasn't asked to. She said Judge Scott asked her about toy aggression, but not food aggression. In her experience in other courts she was invited to at certain points to make a presentation, but that did not happen.

Councilor Dick Olsen said Meadowbrook had asked him what chance there was to talk to the Council. Olsen asked Brooks, was there a limit by an attorney to what you could talk about in Municipal Court since the ordinance said "shall?" Brooks said there were several communications about what she could talk about. She said she would have at least during the public forum tried to discuss it. Olsen said that something is wrong with our ordinance if someone can't come and talk about a case to the Judge.

Brooks said that she is proposing, if there is any possibility, for Blue to go into rescue instead. Hopes Haven is already set up for dangerous dogs and works with Linn County for other rescues.

Konopa asked, if we did that would the agency indemnify the City? Brooks said yes.

Delapoer said that all the comments made so far by Meadowbrook and Brooks have not been directed to change the ordinance, but to object to the procedure in Municipal Court. That type of complaint is subject to Writ of Review, not subject to review by the City Council. The state law does not seek to define provocation. Determining reasonableness under certain circumstances is common, such as in the Michigan case referred to by Meadowbrook, but such determinations are unique to each case. Delapoer said if the Municipal Court Judge made a mistake because he should have allowed Brooks to expand and did not, then their remedy is to appeal to the Circuit Court with a Writ of Review. Changing the ordinance would not help. What has been presented to the Council is to consider whether or not the Judge made a mistake; it has not been an issue with the ordinance.

City Manager Wes Hare asked, is it reasonable to include a definition of provocation in the ordinance? Delapoer said it is not a reasonable course because provocation, like "recklessness," is a concept that will be evaluated over all circumstances. It would be difficult to describe every type of provocation that could occur. This is about the procedure, not the ordinance, and the remedy is a Writ of Review.

Delapoer said it does a disservice to Boyd to not speak to the case at this juncture, because even though he asked Meadowbrook and Brooks to not speak to Blue's case specifically, it is clear the Council did hear a lot about it anyway.

Councilor Bessie Johnson asked, does the appeal cost? Delapoer said yes, there is a filing fee. This is a property case and due process is that the owner can appeal on issues of property; but the owners did not file a Writ of Review and the time limit has passed.

Boyd said the investigation into Blue's history discovered six incidents, two of which were bites that were deemed to be serious by a treating physician. APD also has a statement from the caretaker from animal control that Blue is unpredictable, so staff there have made special food arrangements and other care arrangements, more than for other dogs in their care, due to his aggressive behavior. Boyd said, we have shown that he is dangerous and have taken appropriate steps. The ordinance has four levels of review to determine dangerousness. All four steps of the review were accurate.

Delapoer suggested possible changes to the ordinance. The Council could consider not having a Hearings Officer; or secondly, revise the mandatory euthanasia clause, though in fairness to the Judge, the Council would have to give standards such as having the owner prove the dog is unlikely to reoffend and that would be difficult to prove. Thirdly, the Council could redefine serious injury in a way that is more in line with the state. However, the Council should consider if they really want the more serious injuries to take place *before* they determine a dog to be dangerous.

Delapoer added, please don't agree to have a dog taken out of Albany as a resolution. There was an agreement in Municipal Court before regarding Blue that, in lieu of prosecution, the owner would take him out of town. It did not happen; the dog was just moved to a new neighborhood, where its aggressive behavior continued.

Meadowbrook said he wants a change in dangerousness and to define provocation which applies to more than just Blue. Regarding the Writ of Review, he said it is not a meaningful appeal because the other agency can't change the City's ordinance.

Richard Brooks, 13012 Running Dog Lane, Turner, said the words "at large" bothers him. This dog was in its back yard, not at large; and the other bite case involving Blue took place on the owner's front porch.

Richard Raymond, Blue's owner, thanked the Council for their time. He said APD is doing the best they can with what they have been told, but unfortunately the people that were involved have not told them the facts so APD was not told the truth. They were not well informed. If they were there and knew what really happened, they would come to a different conclusion. He said he does not have hard feelings, even if his dog dies. He said, the problem is the person that lives next door to him; he got Blue in trouble. This neighbor has lied to the police and to the whole town. He said his dog was defending his son, because a grown man was attacking his son. Another neighbor stopped the fight and chased his son to the porch and got bit. Now the dog is accused of being dangerous. The dog was doing his job by protecting the owner's son. Raymond said that Judge Scott did not agree with the decision and that is why there was no appeal. Raymond said that Judge Scott said to take it up to the City Council.

MOTION: Olsen moved to ask staff to bring back a revised ordinance with "may" instead of "shall" (in 6.18.050.) Johnson said she would second the motion if (they) were open to other changes.

The motion died for lack of a second.

MOTION: Johnson moved to have staff bring back the three options which Delapoer suggested: consider not having a Hearings Officer; revise the mandatory euthanasia clause; and redefine serious injury. Olsen seconded the motion.

Councilor Ralph Reid said that when dogs bite, it is the owner's fault due to lack of training.

Collins does not support this motion. He has had experience with a dog that had nipped someone that came back and caused serious injury to a child later. If we have to wait for the dog to do major damage before we deal with it then we are putting people at risk. He just rescued a dog from a shelter and loves dogs, but not at the expense of kids. Dogs have to be trained - it is the owner's responsibility.

Coburn is not convinced that there is a problem with the ordinance. The problem seems to lie with this specific case. Also there was an opportunity to appeal and the owner did not do that.

Johnson withdrew her motion and it was acceptable to the seconder.

No changes were made to the ordinance.

Olsen said he will inform the public, that if your dog bites your child, don't take them to the hospital because it will be half a death sentence; and if happens a second time it will be a death sentence for your dog.

Raymond said as he exited the room, just like that, my dog is going to die.

Olsen asked, is the dog that was promised to be taken out of the community and was not, this same dog? Delapoer said yes, that was Blue. Delapoer said that there was a criminal enforcement against Raymond that was dismissed if he promised to take Blue out of the community. Staff explained that it occurred in September 2009 and instead of taking Blue out of the community they took him to a different address in town, where the aggressive behavior continued. Delapoer read a portion of the four-page police summary.

Delapoer asked if APD can provide the Council with the four-page summary on Blue so the Council can be aware of the steps staff has taken in this case. A staff member left to make copies.

INDUSTRIAL WETLANDS PREPAREDNESS -- WETLAND SOLUTIONS

Hare said the City has been engaged in the Council of Government's (COG) look at wetlands and barriers. They are working to set up a regional permitting process.

Hare introduced Cynthia Solie, Executive Director of COG. They passed out the Regional Connections Newsletter (see agenda file) and the Council of Governments brochure (see agenda file). Solie explained that COG is an association of local governments. Albany has an elected official, Mayor Konopa, on the COG Board. COG works through a variety of other bodies and committees. Reid and Hare are also involved in COG. As a 190c organization, COG can provide any service their members want them to provide, such as business lending, grant writing, senior and disability services, meal delivery, etc.

Pam Silbernagel, from COG, gave a PowerPoint presentation (see agenda file).

John Pascone, from Albany Millersburg Economic Development Corporation, spoke to the difficulty in getting developers interested in land that has wetlands. There is such a long lead time that anything cities can have done beforehand, is helpful.

Pascone said it may be worthwhile to look at the PepsiCo property and do some wetlands work up front, since the project has timed out. Hare said some of the work that was done is still applicable and is an incentive for PepsiCo to sell the property. The problem is that it is specific to their site development. It can be difficult to get work done up front when we don't know what type of development will come in. Another strategy that some cities use is to build

buildings on the site. Of course that has inherent problems too, because we don't know what size building someone might want. Discussion followed.

Coburn asked if there is a way to align the state and federal regulations so that work is not being duplicated. Silbernagel said they are moving towards such an arrangement with the "regional general permit." Discussion followed.

Collins said the work COG is doing is exactly what he envisioned. They are reducing barriers so that communities come out ahead. He said, we also need to be willing to reserve lands for industrial sites.

ECONOMIC DEVELOPMENT UPDATE & NEXT STEPS

Due to time limits this item was postponed to a later date.

COUNCILOR COMMENTS

Coburn said he was frustrated when Blue's owner got up and said what he did, to make the Council sound like the bad guys. He does not understand why the owner did not appeal the decision (in Circuit Court).

Konopa said Blue was in the court system before and was supposed to move out of town, but did not. Staff passed out APD's four-page summary regarding Blue the dog (see agenda file).

Delapoer said the owner owes several hundred dollars in storage fees for the kennel holding his dog.

Olsen said he thinks if Municipal Court had heard what he heard, there would have been a different outcome. He referred to 6.18.020, paragraph 3), which gives the Director authority to refrain from classifying the dog as dangerous or potentially dangerous, if they determine there may have been abuse, torment, or other provocation. Olsen said Judge Scott must have overlooked that section. Olsen suggested they change "shall" to "may" in 6.18.050 to allow for cases when the aggressive behavior was caused by abuse or torment or other provocation.

Christman pointed out Section 6.18.030, regarding the appeal process. Christman said the ordinance directs them to appeal the case, and they did not. He said, we are not the bad guys here.

Coburn pointed out that there are several steps that happened before the decision to euthanize. The Council informally reviewed the report which showed several police encounters with this particular dog. Discussion followed about several incidents that occurred in two different neighborhoods.

CITY MANAGER REPORT

There was no report.

ADJOURNMENT

There being no further business, the Work Session adjourned at 6:22 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
Deputy City Clerk

Wes Hare
City Manager

CITY OF ALBANY
 CITY COUNCIL
 Council Chambers
 Wednesday, February 9, 2011
 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., Dick Olsen, Bill Coburn, and Bessie Johnson
 Councilors absent: Floyd Collins

SCHEDULED BUSINESS

Business from the Public

There was none.

Adoption of Resolutions

Adopting the 2011 Albany Public Transit Plan.

Konopa said this item came to a Council Work Session for discussion.

MOTION: Councilor Reid moved to adopt the resolution calling for the adoption of the 2011 Public Transit Plan. Councilor Johnson seconded the motion and it passed 4-1, with Councilor Coburn voting no, and it was designated Resolution No. 5978.

Establishing system development charges for impacts to the Albany Transportation System, establishing an appeal fee, and repealing Resolutions No. 5806.

Konopa said this has been a long process. This resolution is the final piece.

MOTION: Councilor Christman moved to adopt the resolution establishing system development charges for impacts to the Albany Transportation System, establishing an appeal fee and repealing Resolution No. 5806. Councilor Olsen seconded the motion.

Christman asked, have there been any comments or feed back since the special session on this subject? Transportation Systems Analyst Ron Irish said they received an inquiry from Chamber of Commerce Manager Janet Steele and Albany Millersburg Economic Development Corporation Manager John Pascone asking what the effect of the resolution would be. He explained to them that in the short term, through the year 2012, for the development community it was beneficial over the flat fee in that the fee was the same in both cases but in the interim period, under the step fee, development projects are eligible for a credit if they build a TSD funded project, whereas in the flat fee there weren't many projects available to receive a credit. In the long term, whether they see a benefit depended in large measure on how the fee was stepped up and whether a particular project built an eligible improvement or not. So the answer in the long term was, it depends.

VOICE VOTE: A voice vote was taken on the motion and it neither passed nor failed, with Christman, Olsen, and Johnson voting yes, and Reid and Coburn voting no. It takes four votes of the Council to pass or defeat a motion. This motion will return to the next available session of the Council at which all members are present.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a. January 12, 2011, City Council Regular Session.
 - b. January 26, 2011, City Council Regular Session.
- 2) Approving an extended property tax abatement agreement between the City of Albany, a cosponsor of the South Santiam Enterprise Zone, and Entek International, LLC. RES. NO. 5979
- 3) Certifying properties exempt from taxation:
 - a. Songbird Village RES. NO. 5980
 - b. Periwinkle Place RES. NO. 5981
 - c. Park Rose Properties RES. NO. 5982

MOTION: Coburn moved to adopt the Consent Calendar as presented. Johnson seconded the motion and it passed 5-0.

Award of Bid

W-07-03-C, Maple Reservoir Seismic Improvements.

City Manager Wes Hare explained that a few years ago the City received grant money from the Federal government to do seismic upgrades at the Vine Street Water Plant. This is one of the projects that needed to be completed under that grant program. It helps ensure that the City will have water in the event of a seismic occurrence, or any emergency.

Olsen asked, what is the project? Hare believes they are reinforcing the tank.

Coburn was surprised that the bids came in over the Engineer's estimate.

MOTION: Coburn moved to award the contract for W-07-03-C, Maple Reservoir Seismic Improvements, in the amount of \$261,940.00 to the low bidder, Legacy Contracting, Inc., of Salem, OR. Reid seconded the motion and it passed 5-0.

Reports

Removal of derelict aircraft from the Albany Municipal Airport.

Airport & Transit Manager Chris Bailey said the City Airport has an issue with a plane that needs to be removed from its parking area. The owner is also in arrears several months on the rent. The current Municipal Code doesn't address this issue. Staff would like to receive direction from the Council to amend the current ordinance. The tires are flat, the plane is not air worthy, and hasn't moved in several years. It has been parked there at least 16 years. It is considered an eyesore. The parking apron is to accommodate inexpensive parking, not a storage area for junk aircraft.

City Attorney Jim Delapoe added that staff and the Airport Commission are in the process of developing operational rules for the City Airport. It would be an appropriate time to change the ordinance, if the Council is willing to delegate staff authority to amend it. He said there are three ways to approach this one particular issue; wait for staff and the Commission to create comprehensive rules (that could take a long time), give staff authority to come back to the Council with an amendment to the Code, or deal with this issue tonight by adopting, by motion, some proposed language he had available now. His proposed language is:

"The Council to authorize the Airport Manager to require the removal from outside storage of any unserviceable aircraft or any aircraft that has been delinquent anytime in the past 12 months of all City fees and charges. An aircraft is unserviceable if in the reasonable judgment of the Airport Manager the aircraft has been non-airworthy for 90 of the previous 180 days."

Delapoe explained that he feels the language is generous in the amount of time an aircraft could be parked in the apron for repairs. After that time it would need to be under cover or removed from the Airport. It also gives authority to the Airport Manager to deal with delinquent fees. It also provides for a process so that the City doesn't spend thousands of dollars in litigation for a \$75 back payment. He said there would be a process to notify the owners, give them time to act, and then if no action use the authority to remove the aircraft. He said there are issues with removing an unserviceable airplane because of wing span and towing concerns. He reminded the Council they have three options; wait, direct staff to come back, or adopt the rule he is suggesting.

Bailey added that she would like the authority to be generic enough that it doesn't deal with just this particular plane but rather in the future when a plane may be abandoned a process is in place and they can take care of it without having to come back to the Council.

Reid asked, who keeps track of the amount of time an aircraft is unserviceable? How long has this aircraft been in arrears? Bailey said this plane is in arrears around for 18 months of rent.

Delapoe said they are suggesting a policy that would not be specific to this individual situation.

Reid could remember when there was a similar issue with an aircraft and removal was complicated by the fact that there was no policy.

MOTION: Reid moved to adopt the wording that gives authority to the Airport Manager, as suggested by the City Attorney. Johnson seconded the motion.

Olsen asked, does the Airport Manager have any leeway as to enforcement? Delapoe said yes, reasonable discretion, and he believes the authority will be rarely used.

Olsen would like the issue to come back to the next meeting to give Council time to consider the language.

Christman asked, has this been discussed with the Airport Commission? Bailey said yes, this issue has been discussed at the Commission level and they were in agreement to have the plane removed. She is trying to come up with a solution that gets the plane repaired and the bills paid, or get it off the field.

Christman asked if there was a Commission meeting between now and the next Council meeting? Bailey said there is an Airport Commission meeting on February 10. Staff would be able to get input from the Commission if the Council chose to hold this issue over to the next Council meeting.

Coburn said since the owner contacted the City after seeing the newspaper article, what were they willing to do? Bailey said staff is working with them to get it off the field and under covered storage. It has been on the field for at least 16 years.

Coburn was concerned about the City's inability to bill or collect for services. First it was the Fixed Base Operator and now this problem. Bailey said she was hoping that this will be the end of that problem. It is one of her goals since she has been there.

Delapoer explained the payment issues and the concerns about delinquency. He said the City charges so little for tie-downs that taking any to court for nonpayment can cost more than their arrears.

There followed discussion about moving the airplane by towing or dismantling it and costs associated with that as well.

Coburn agreed with Olsen and Christman to take it to the Airport Commission first.

MOTION WITHDRAWN: Reid withdrew his motion and Johnson, the seconder, agreed.

DIRECTION: Council direction to take this item to the Airport Commission and bring back a recommendation.

Asking City Council to call up a land use item.

Community Development Director Greg Byrne explained that in 1998 the City annexed what was known as the "Wilt" property at Grand Prairie Road and Interstate-5. Periwinkle Creek runs through the middle of it. At the time there were certain conditions attached to the annexation through the annexation agreement. The property owner is now a lending institution that would like to partition the property into two parcels, making it more marketable. Staff cannot effectively deal with the partition request because of the conditions that were attached to the annexation. If the Council decides to call this item up, staff will prepare a staff report and recommendation, and bring it to the Council for review.

MOTION: Coburn moved to have staff bring to the Council a report and recommendation concerning the annexation agreement and request for partition on the "Wilt" property at Grand Prairie Road and Interstate-5. Christman seconded the motion and it passed 5-0

BUSINESS FROM THE COUNCIL

Olsen commented about the City tax breaks that were given in the Consent Calendar through the resolutions. He also commented on the school tax problems.

Konopa said there is an Oregon House Bill that would allow local communities to increase the tax cap. The current cap law is statewide, so the bill would have to go to state voters to be changed. She felt it was a bill for the Council to watch.

Hare was approached by Linn County Commissioner Will Tucker about the amount of funding Linn County is putting into the Linn County Fairgrounds. Hare thinks this would be a good time to meet with them. The Council was agreeable.

RECESS INTO AN EXECUTIVE SESSION TO DISCUSS LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660 (2)(d) AND DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660(2)(e).

The Regular Session was recessed into an Executive Session at 7:53 p.m.

RECONVENE

The Regular Session was reconvened at 8:43 p.m.

Coburn asked, why would the attorney representing "Blue" contact the Council regarding their court case against the City? Delapoer said that attorney had emailed him explaining that he was working with Councilor

Olsen regarding the law suit and asked Delapoer's permission to contact other Councilors regarding the suit. The Council is Delapoer's client so it was correct that he ask his permission. Delapoer did not feel he had the right not to allow contact. He asked Hare to alert the Council to the possibility that they could be contacted. He wanted the Council to be aware that if contacted, to consider that when someone is suing you and you have a conversation with them, you may end up being a witness against yourself.

Coburn asked, what is reviewed in an appeal? Delapoer said generally it is whether due process or errors in law were committed. He doesn't believe there is a risk to the City with this law suit. Delapoer believes the law suit is without merit and the City will prevail.

NEXT MEETING DATE

The next scheduled meeting of the Council is a Work Session on Monday, February 21, 2011, at 4:00 p.m., in the Municipal Court Room. The next scheduled Regular Session of the City Council is on Wednesday, February 23, 2011, at 7:15 p.m., in the City Council Chambers, at City Hall.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:47 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: *E. Boyd*
Edward Boyd, Chief of Police

DATE: February 8, 2011, for February 23, 2011, City Council Meeting

SUBJECT: Limited Off-Premises Sales, Additional Privilege, Change DBA Trade Name, Liquor License Application for Clemenza Inc., D/B/A Clemenza Café & Wine Shop, 236 First Avenue SW.

Action Requested:

I recommend the Limited Off-Premises Sales, Additional Privilege, Change DBA Trade Name, Liquor License Application for Clemenza Inc., D/B/A Clemenza Café & Wine Shop, be approved.

Discussion:

Crystal Turton, Matthew Bennett, and Bruce Wheeler, on behalf of Clemenza Inc., D/B/A Clemenza Café & Wine Shop, have applied for a Limited Off-Premises Sales, Additional Privilege, Change DBA Trade Name, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MR



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: February 16, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Appropriation of FY 2010 State Homeland Security Grant Funds - VISTA Volunteer
RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

City Council approval by resolution to appropriate funds for the Fiscal Year 2010 State Homeland Security Grant to provide for the services of an AmeriCorps VISTA (Volunteers in Service to America) member and materials to assist the Linn-Benton Vulnerable Populations Committee in developing a Linn-Benton Vulnerable Populations Plan.

Discussion:

The City of Albany participates on the Linn-Benton Vulnerable Populations Committee (Committee). Darrel Tedisch, City of Albany Emergency Management Specialist, is the chairperson. The Committee is developing a Vulnerable Populations Plan for emergency preparedness and is at a point where outside assistance is needed in order to complete it.

The Fiscal Year 2010 State Homeland Security Grant Program through Oregon Emergency Management allows funding for preparedness planning. The City of Albany, through Linn County, applied for these grant funds to share the cost of hiring an AmeriCorps VISTA member to assist in the further development of the Vulnerable Populations Plan and supplies to support that position. The Community Services Consortium is partnering with the City in the cost for the AmeriCorps VISTA member.

Oregon Emergency Management has notified the City of the intent to award \$10,000 for this grant. There is no financial requirement from the City of Albany for this grant.

Budget Impact:

\$10,000 Vista Volunteer Grant (203-25-5083)

JB:ljh
Attachment

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING A SPECIAL PURPOSE GRANT FROM THE FISCAL YEAR 2010 STATE HOMELAND SECURITY GRANT PROGRAM TO PROVIDE FOR THE SERVICES OF AN AMERICORPS VISTA (VOLUNTEERS IN SERVICE TO AMERICA) MEMBER AND MATERIALS TO ASSIST THE LINN-BENTON VULNERABLE POPULATIONS COMMITTEE IN DEVELOPING A LINN-BENTON VULNERABLE POPULATIONS PLAN

WHEREAS, the City of Albany participates on the Linn-Benton Vulnerable Populations Committee; and

WHEREAS, the Linn-Benton Vulnerable Populations Committee is developing a Vulnerable Populations Plan for emergency preparedness; and

WHEREAS, the Fiscal Year 2010 State Homeland Security Grant Program allows funding for emergency preparedness; and

WHEREAS the City of Albany, through Linn County, applied for grant funding in the amount of \$10,000 to provide for the services of an Americorps VISTA member and the materials to assist the Linn-Benton Vulnerable Populations Committee in developing a Linn-Benton Vulnerable Populations Plan; and

WHEREAS, the City of Albany has been notified by Oregon Emergency Management of the intent to award \$10,000 from the Fiscal Year 2010 State Homeland Security Grant Program; 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,

The FY 2010 State Homeland Security Grant, through Oregon Emergency Management, for a VISTA Volunteer in the amount of \$10,000 is hereby appropriated as follows:

Resources:

US Dept. of Homeland Security 203-25-5083-42027	\$10,000
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Requirements:

Contractual Services 203-25-5083-60101	\$6,900
Materials & Supplies 203-25-5083-61024	\$3,100

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: February 16, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Appropriation of FY 2010 State Homeland Security Grant Funds - Regional Urban Search & Rescue Exercise Phase 2
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

City Council approval by resolution to appropriate funds for the Fiscal Year 2010 State Homeland Security Grant to provide Phase 2 of a Regional Urban Search & Rescue South Division exercise.

Discussion:

The Albany Fire Department is a participant on the State's Urban Search & Rescue South Division Task Force. On September 30, 2009, the South Division held an emergency preparedness training exercise made possible through FY 2008 State Homeland Security Grant Program funding.

The Fiscal Year 2010 State Homeland Security Grant Program through Oregon Emergency Management allows funding for preparedness planning. Lane County applied for grant funding on behalf of the South Division participating agencies to hold Phase 2 of a Regional Urban Search & Rescue South Division exercise.

Oregon Emergency Management has notified the City of Albany of the intent to award \$21,900 for this grant. There is no financial requirement from the City of Albany for this grant.

Budget Impact:

\$21,900 Regional US&R Exercise Phase 2 Grant (203-25-5084)

KK:ljh
Attachment

RESOLUTION NO. _____

A RESOLUTION APPROPRIATING A SPECIAL PURPOSE GRANT FROM THE FISCAL YEAR 2010 STATE HOMELAND SECURITY GRANT PROGRAM TO PROVIDE PHASE 2 OF A REGIONAL URBAN SEARCH AND RESCUE EXERCISE

WHEREAS, the City of Albany participates on the State's Urban Search and Rescue South Division Task Force; and

WHEREAS, the Urban Search and Rescue South Division Task Force conducts emergency preparedness training exercises; and

WHEREAS, the Fiscal Year 2010 State Homeland Security Grant Program through Oregon Emergency Management, allows funding for preparedness planning; and

WHEREAS, the City of Albany, through Lane County, applied for grant funding in the amount of \$21,900 for Phase 2 of a Regional Urban Search & Rescue South Division preparedness training exercise; and

WHEREAS, the City of Albany has been notified by Oregon Emergency Management of the intent to award \$21,900 from the Fiscal Year 2010 State Homeland Security Grant Program; 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,

The FY 2010 State Homeland Security Grant, through Oregon Emergency Management, for Phase 2 of a Regional Urban Search & Rescue South Division exercise in the amount of \$21,900 is hereby appropriated as follows:

Resources:		
US Dept. of Homeland Security 203-25-5084-42027		\$21,900
Requirements:		
Overtime 203-25-5083-53001		\$16,200
Materials & Supplies 203-25-5084-61024		\$5,700

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

Mayor

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION GRANTING THE FOLLOWING TEMPORARY EASEMENT:

<u>Grantee</u>	<u>Purpose</u>
Northwest Natural Gas	A 10-foot-wide temporary gas pipeline easement to Northwest Natural Gas Company located at the NE corner of the intersection of Hickory Street NW and the Hickory Place NW.

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

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

Mayor

ATTEST:

City Clerk

GAS PIPELINE EASEMENT

THIS EASEMENT, granted this _____ day of _____, 2011, by and between the City of Albany, a Municipal Corporation, hereinafter called Grantor, and NORTHWEST NATURAL GAS COMPANY herein called "Grantee."

WITNESSETH:

The Grantor has this day granted and by these presents does convey unto the Grantee, temporary easement, including the right to enter upon the real property hereinafter described, and to install, operate, maintain, repair, replace, and change the size of a gas pipeline or pipelines and related equipment.

This agreement is subject to the following terms and conditions:

1. The temporary easement hereby granted consists of:
A 10-foot-wide easement at the NE corner of the intersection of Hickory Street NW and Hickory Place NW, more particularly described in attached EXHIBIT "A" and shown in attached EXHIBIT "B."
2. The temporary easement described herein grants to the Grantee, the right to enter and use the above described property to do or to take any of the actions described in this document.
3. Grantee will maintain the pipeline with the least amount of disturbance to Grantor's property as possible. Grantee will reimburse Grantor for any damage to Grantor's property caused by Grantee during use of the easement.
4. No permanent structure shall be constructed on this easement.
5. The Grantor reserves the right to require the Grantee to move the gas pipeline out of the easement area. The Grantee shall remove the pipeline within 60 days after receiving a notice of easement termination by the Grantor at which time the Grantee will restore Grantor's property to the condition existing prior to Grantee's abandonment work.
6. This easement will automatically terminate 60 days after the Grantor has notified the Grantee that the gas pipeline must be removed from the easement, or after the pipeline is not used by Grantee or its successor for a period of 60 days.

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

GRANTOR: City of Albany

Stewart Taylor, Finance Director

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

The foregoing instrument was acknowledged before me this ____ day of _____ 2011,
by Stewart Taylor, Finance Director, City of Albany.

Notary Public for Oregon
My Commission Expires: _____

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 grant on behalf of the City of Albany, the above instrument pursuant to the terms thereof this ____ day of _____ 2011.

City Manager

ATTEST:

City Clerk

NW NATURAL GAS

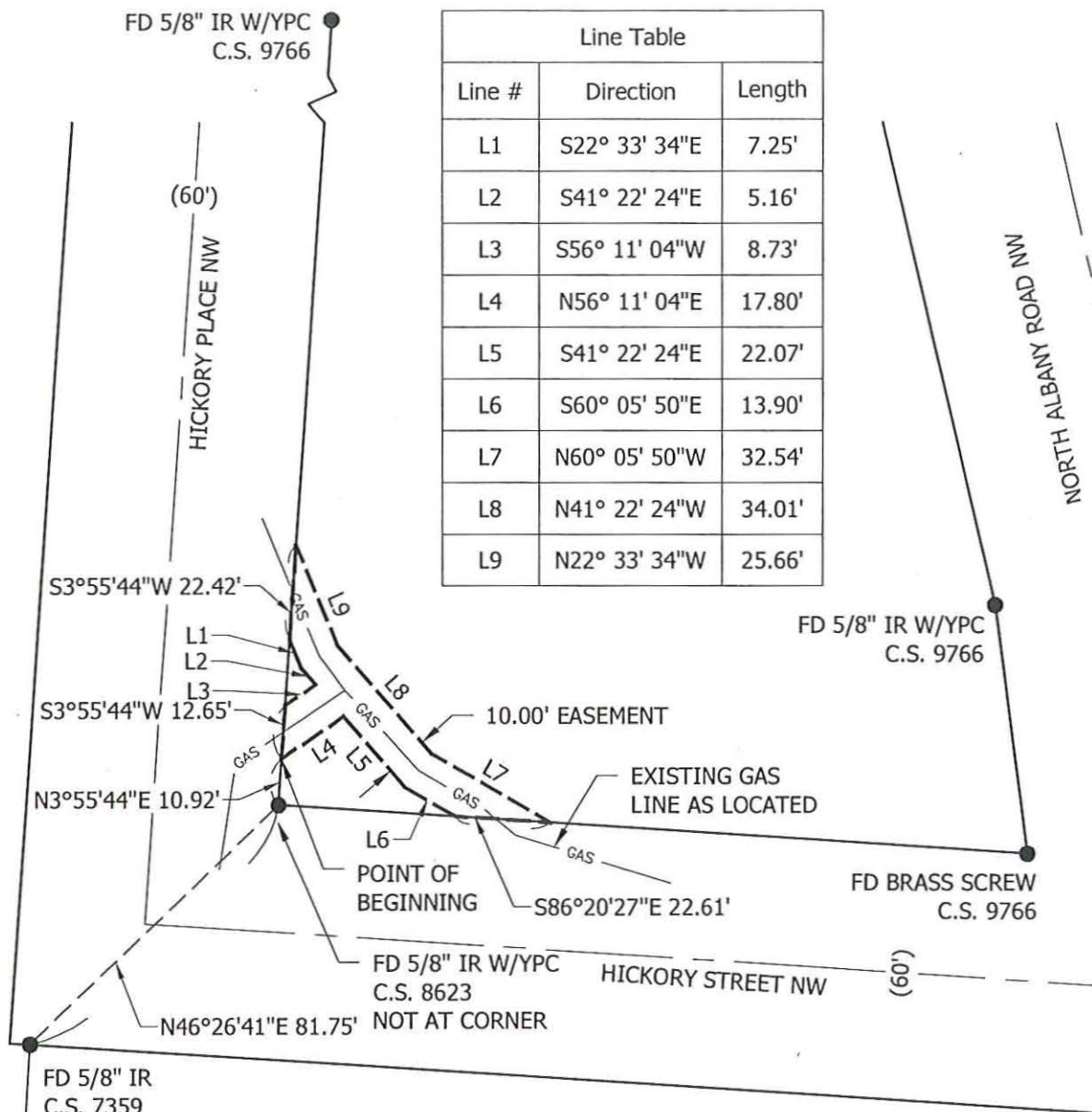
Legal Description

Exhibit "A"

An area of land in the Northeast 1/4 of Section 1, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon being more particularly described as follows:

Beginning at a point on the East right-of-way of Hickory Place N.W., bearing North 03°55'44" East 10.92 feet from the intersection of the East right-of-way of Hickory Place N.W. and the North right-of-way of Hickory Street N.W. and also bearing North 46°26'41" East 81.75 feet and North 03°55'44" East 10.92 feet from the Northwest corner on that land described in Benton County Deed Document M-215766-96 in the Northeast 1/4 of Section 1 in Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Benton County, Oregon; thence leaving said East right-of-way North 56°11'04" East 17.80 feet; thence South 41°22'24" East 22.07 feet; thence South 60°05'50" East 13.90 feet to the North right-of-way of Hickory Street N.W.; thence South 86°20'27" East 22.61 feet along said North Right-of-Way; thence leaving said North right-of-way North 60°05'50" West 32.54 feet; thence North 41°22'24" West 34.01 feet; thence North 22°33'34" West 25.66 feet to the east right-of-way of Hickory Place N.W.; thence South 03°55'44" West 22.42 feet; thence leaving said East right-of-way South 22°33'34" East 7.25 feet; thence South 41°22'24" East 5.16 feet; thence South 56°11'04" West 8.73 feet to the East right-of-way of Hickory Place N.W.; thence South 03°55'44" West 12.65 feet to the point of beginning.

Exhibit B



Line Table		
Line #	Direction	Length
L1	S22° 33' 34"E	7.25'
L2	S41° 22' 24"E	5.16'
L3	S56° 11' 04"W	8.73'
L4	N56° 11' 04"E	17.80'
L5	S41° 22' 24"E	22.07'
L6	S60° 05' 50"E	13.90'
L7	N60° 05' 50"W	32.54'
L8	N41° 22' 24"W	34.01'
L9	N22° 33' 34"W	25.66'

LEGEND

- MONUMENT FOUND AS NOTED
- C.S. COUNTY SURVEY
- FD FOUND
- IR IRON ROD

REFERENCE SURVEY: C.S. 7359, C.S. 8623, C.S. 9766



SCALE: 1" = 40'



Date: JUNE 3, 2010
 Project: 10-062 NW NATURAL HICKORY
 Drawn by: GSG
 Checked by: ASD

EXHIBIT "B"

EASEMENT MAP
 NW NATURAL GAS
 ALBANY, OREGON

UDELL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON, 97355
 541-451-5125



SHEET 1
 of 1
 SCALE: AS NOTED

Point of Beginning : North: 5072.2700' East: 4975.2304'

Segment #1 : Line

Course: N56° 11' 03.99"E Length: 17.795'

North: 5082.1733' East: 4990.0151'

Segment #2 : Line

Course: S41° 22' 23.69"E Length: 22.073'

North: 5065.6094' East: 5004.6044'

Segment #3 : Line

Course: S60° 05' 49.83"E Length: 13.901'

North: 5058.6791' East: 5016.6552'

Segment #4 : Line

Course: S86° 20' 27.49"E Length: 22.615'

North: 5057.2359' East: 5039.2237'

Segment #5 : Line

Course: N60° 05' 49.83"W Length: 32.536'

North: 5073.4562' East: 5011.0189'

Segment #6 : Line

Course: N41° 22' 23.69"W Length: 34.012'

North: 5098.9795' East: 4988.5382'

Segment #7 : Line

Course: N22° 33' 33.81"W Length: 25.664'

North: 5122.6796' East: 4978.6926'

Segment #8 : Line

Course: S3° 55' 44.21"W Length: 22.421'

North: 5100.3115' East: 4977.1563'

Segment #9 : Line

Course: S22° 33' 33.81"E Length: 7.253'

North: 5093.6131' East: 4979.9390'

Segment #10 : Line

Course: S41° 22' 23.69"E Length: 5.157'

North: 5089.7432' East: 4983.3476'

Segment #11 : Line

Course: S56° 11' 03.99"W Length: 8.727'

North: 5084.8865' East: 4976.0969'

Segment #12 : Line

Course: S3° 55' 44.21"W Length: 12.646'


North: 5072.2700' East: 4975.2304'

Perimeter: 224.800' Area: 886.03 Sq. Ft.



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director 

DATE: February 14, 2011, for the February 23, 2010, City Council Meeting

SUBJECT: Approval of Contract Renewal for Municipal Court Judge Robert Scott and Approval of Pro Tem Resolution

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of a contract renewal for Municipal Court Judge Robert Scott and approval of a resolution appointing Municipal Court Judge Pro tems.

Discussion:

The contract was reviewed at the February 21, 2011, City Council work session.

The resolution appointing Municipal Court Pro Tems provides for a continuation of workflow in Municipal Court in the event of Judge Robert Scott's absence.

Budget Impact:

There will be no increase to the budget as Non bargaining employees did not receive an annual cost-of-living adjustment on July 1.

ST:md
Attachment

CONTRACT TO PROVIDE MUNICIPAL COURT SERVICES

THIS AGREEMENT is made and entered into this 23rd day of February 2011 by and between the CITY OF ALBANY, Oregon, a municipal corporation, hereinafter referred to as "CITY" and ROBERT T. SCOTT, Attorney at Law.

WITNESSETH:

WHEREAS, the CITY desires the services of ROBERT T. SCOTT as Municipal Judge, pursuant to Section 23 of the Charter of the CITY OF ALBANY; and

WHEREAS, ROBERT T. SCOTT desires to serve in said capacity; and

WHEREAS, the Internal Revenue Service defines a Judge as a public official and an employee of the government for whom he or she serves and, therefore, the CITY is responsible for withholding and paying Federal income tax, social security and Medicare taxes, and issuing a Form W-2 Wage and Tax Statement to the public official; and WHEREAS, it is the desire of both parties hereto to establish and set forth their mutual responsibilities one to the other.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is hereby agreed as follows:

Duties. The CITY hereby contracts with ROBERT T. SCOTT to perform all functions and duties specified in Section 23 of the Charter of the CITY OF ALBANY and to perform such other legally permissible and proper duties and functions as said position shall require. These duties shall include, but are not limited to, the following:

- a. Provide an overview of the Municipal Court judicial function, including pretrial conferences, scheduling of pro tem judges, and annual reviews of the financial condition of the Municipal Court system;
- b. Preside over criminal, traffic, parking cases, arraignments, trials, and hearings and set forth the courtroom calendar;
- c. Develop and carry out policies for trial procedures, including the adoption of an appropriate bail schedule;
- d. Coordinate with the City Attorney to reduce or eliminate backlog of pending cases;
- e. Review annually, data gathered by the CITY regarding cases generated by the Albany Police Department which are being filed in the District Court;
- f. Prepare an annual report concerning Municipal Court operations and personally present that report to the Council;
- g. Annually review and recommend changes to the Albany Municipal Code which relate to Municipal Court; and
- h. Make recommendations to the CITY to improve the financial or other operating conditions of the Court.

Independent. In performing the duties of Municipal Court Judge, ROBERT T. SCOTT shall serve as a 0.25 FTE Nonbargaining employee of the CITY. However, the CITY shall have no right or responsibility to control or influence the manner in which he carries out his judicial responsibilities, save and except that

ROBERT T. SCOTT agrees to carry out his duties in a timely, consistent, and impartial manner. ROBERT T. SCOTT shall have no management or administrative responsibility or authority over other City employees.

Pro Tem Services. While it is agreed that ROBERT T. SCOTT shall personally serve as Municipal Judge and shall be available to fill the duties of that office generally not less than eighty percent of the time, it is anticipated that ethical conflicts, scheduling conflicts, vacations, illness, etc., will occasionally require the employment of pro tem municipal judges. It is understood that it is in the interest of both parties to maintain an active pool of pro tem judges so that the work for the Municipal Court will not be interrupted when ROBERT T. SCOTT must be absent from that position. Therefore:

- a. On or before the 1st of January of each and every year this contract remains in effect, ROBERT T. SCOTT shall submit to the City Council the names of those persons whom he wishes to nominate as pro tem judges for the 12 months following the date of such appointment. These persons shall all be members of the Oregon State Bar, in good standing, and must be satisfactory to the City Council of the CITY. Upon receiving such list of proposed pro tem judges, the City Council shall, at its next regularly scheduled meeting, or as soon thereafter as may be convenient, review the list of persons nominated by ROBERT T. SCOTT and approve or deny their appointment as pro tem municipal judges. Any pro tem municipal judge shall also be an independent contractor and not an employee of the City of Albany and shall exercise the same functions, duties, powers, and responsibilities as those assumed by ROBERT T. SCOTT pursuant to this agreement.
- b. When the services of pro tem judges are required because Robert T. Scott is on vacation, ill, has a conflict of interest or scheduling conflict, the City shall pay the pro tem judges' fees for services rendered, up to a maximum expenditure of \$3,000 during the calendar year 2011. Robert T. Scott shall be responsible for negotiating with the pro tem judges and setting their per hour fee for services rendered, which shall not exceed \$150 per hour. In the event the total cost of pro tem services exceeds \$3,000 in the calendar year 2011, ROBERT T. SCOTT shall pay the excess over \$3,000 and shall hold the City harmless therefrom.

When Albany Municipal Court business or the professional development of the Municipal Judge requires that ROBERT T. SCOTT be away from the Court, compensation of a pro tem judge shall be at the same rate as established for other pro tem use, and shall be paid by the City. The amount so paid shall not be included in the \$3,000 contracted for by the City in the preceding paragraph.

- c. ROBERT T. SCOTT shall make a reasonable effort to maintain a pool of at least three pro tem municipal judges that all will be reasonably familiar with Municipal Court procedures should their service be necessary.
- d. ROBERT T. SCOTT shall instruct all pro tems concerning procedures and customary sentences in order to promote uniformity to the greatest extent possible.

Term. This Agreement shall commence January 1, 2011, and shall continue until December 31, 2011. This contract may be renewed annually upon the terms set forth herein or upon any other terms mutually acceptable to both parties. Notwithstanding the foregoing, ROBERT T. SCOTT shall serve at the pleasure of the City Council. No rights, responsibilities, salary, or other benefits shall extend beyond the term of this Agreement and nothing in this Agreement shall be deemed to vest in ROBERT T. SCOTT any property interest in the duties, responsibilities, or compensation provided in this contract or any right to the continuation thereof. Either party may, at any time, terminate this Agreement, with or without cause, upon thirty (30) days' written notice, in which event ROBERT T. SCOTT shall be entitled to all compensation then due.

Compensation. Effective January 1, 2011, ROBERT T. SCOTT would be entitled to have his compensation increased by the cost-of-living adjustment granted to the Nonbargaining employees on July 1 of the previous year. Because Nonbargaining employees did not receive a cost-of-living

adjustment on July 1, 2010, ROBERT T. SCOTT shall receive no cost-of-living adjustment for the calendar year 2011. On January 1, 2012, the parties shall again consider whether or not ROBERT T. SCOTT shall be granted a cost-of-living adjustment for the calendar year 2012.

For his service during the calendar year 2011, ROBERT T. SCOTT shall be paid gross compensation of \$6,140.00 per month. All other benefits and conditions of employment will be consistent with those of a 0.25 FTE Nonbargaining employee.

Hours of Work. It is recognized that the hours devoted by the judge in the performance of his responsibilities may vary with the caseload of the Court. The judge shall file a monthly timesheet with the Court Clerk describing the amount of time he is devoting to his judicial duties.

Periodic Review. The City Council may review the performance and compensation of the Municipal Court Judge by such method and at such times as the Council shall deem appropriate.

Dues and Subscriptions. The Municipal Court Judge shall maintain membership in the Oregon Municipal Judges Association and all fees required for such membership shall be paid by the CITY. In addition, the CITY encourages the Municipal Judge to participate in national, regional, and state and local associations and organizations necessary and desired for his continued professional growth and advancement and to improve his performance as Municipal Judge of the CITY OF ALBANY. Should the Municipal Judge desire to incur any expenditure for any of the proposed activities outlined above, he may obtain prior consent from the Mayor of the CITY OF ALBANY, in which event the CITY shall be obligated to reimburse for such pre-authorized expenses, or the Municipal Judge may submit a request for reimbursement without prior authorization, in which event the CITY, in the exclusive exercise of discretion, may reimburse for such expenses.

Professional Development. The CITY agrees to reimburse the Municipal Judge for registration, travel, and subsistence expenses for professional and office travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the Municipal Judge. The procedures for reimbursement shall be the same as those for Nonbargaining employees.

General Provisions. This Agreement shall constitute the entire agreement between the parties and supersedes any previous agreements or understandings. If any provisions or a portion thereof contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. No other benefits, consideration, or compensation of any kind shall be due from CITY to ROBERT T. SCOTT or any pro tem judge other than as set forth herein.

CITY OF ALBANY:

JUDGE:

By _____
Sharon Konopa, Mayor

Robert T. Scott, Municipal Judge

Date: _____

Date: _____

ATTEST:

City Clerk

RESOLUTION NO. _____

A RESOLUTION APPOINTING MUNICIPAL COURT JUDGE PRO TEMS AND REPEALING
RESOLUTION NO. 5883

WHEREAS, an active pool of pro tem judges shall be maintained so that the work for the Municipal Court will not be interrupted when the Judge is absent from his position; and

WHEREAS, the contract between the City of Albany and Judge Robert T. Scott specifies that he shall submit to the City Council the names of persons whom he wishes to nominate as pro tem judges for the duration of a new contract; and these persons shall be members of the Oregon State Bar and in good standing.

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed as Judge Pro Tems for the Albany Municipal Court of the City of Albany, Oregon:

- Doug Moore
- Gary Norman
- Mark Taleff
- Paul Kuebrich
- Mark Donahue

BE IT FURTHER RESOLVED that Resolution No. 5883 is hereby repealed.

DATED AND EFFECTIVE THIS 23RD DAY OF FEBRUARY 2011.

Mayor

ATTEST:

City Clerk



TO: Albany City Council
FROM: Sharon Konopa, Mayor
DATE: February 11, 2011, for February 23, 2011, City Council Meeting
SUBJECT: Appointments to City Boards, Committees, and Commissions
RELATES TO STATEGIC PLAN THEME: • An Effective Government

Action Requested:

Council approval of the following appointments to City advisory groups:

City Tree Commission

Orlando Gonzales

(Mayor's new appointment to fill vacant position for term that expires December 31, 2013)

Traffic Safety Commission

Greg Hamann

(Mayor's new appointment to fill vacant position for term that expires December 31, 2012)

Discussion:

None.

Budget Impact:

None.

SK:ldh

Attachment

c: Ed Hodney, Parks & Recreation Director
Craig Carnagey, Parks & Facilities Maintenance Manager
Tari Hayes, Administrative Assistant I
Jeff Woodward, Civil Engineer II
Melissa Steiner, Clerk III

U:\Administrative Services\City Manager's Office\Boards-Commissions\2011 Recruitment\^2011 appointments-boards & commissions-msk-#3.doc



TO: Albany City Council

VIA: Wes Hare, City Manager
Ed Boyd, Police Chief *E. Boyd*
John R. Bradner, Fire Chief *JRB*

FROM: Mark W. Shepard, P.E., Assistant Public Works Director / City Engineer *MWS*

DATE: February 16, 2011, for the February 23, 2011, City Council Meeting

SUBJECT: Police and Fire Facility Assessments and Evaluations

RELATES TO STRATEGIC PLAN THEME: ● Safe City

Action Requested:

Council requested that staff seek the services of a consultant to perform an evaluation of the needs and potential sites for Police and Fire Station facilities. Staff is seeking direction from Council on whether to have the consultant proceed.

Discussion:

At the November 10, 2010, City Council Meeting, Council asked staff to determine what it would cost to engage the services of a consultant to evaluate the needs and potential sites for fire and police facilities. In response staff asked ZCS Engineering, Inc., to develop a scope of work and associated cost to perform the evaluations. ZCS Engineering, Inc., has experience in these evaluations and is on the City's Consultant of Record list.

The scope of services developed by ZCS Engineering, Inc., are attached, one for Police and one for Fire. Staff has reviewed the scope of services and believes they represent what Council was asking for. Staff and representatives from ZCS will be at the meeting to discuss the scope of work and answer questions.

Budget Impact:

The budget impact is dependent on Council direction. Staff recommends that if Council would like to expend funds for the consultant evaluations, the work be funded from funds received in the Pepsi settlement.

MWS:prj
Attachments (2)



Statement of Qualifications and Fee Proposal
City of Albany Fire Department
Facilities Assessment and Preliminary Planning and Design



February 16, 2011

John Bradner, Fire Chief
PO Box 490
Albany, OR 97321

S
O
Q

Reference: City of Albany – Fire Station #11

Subject: Statement of Interest and Qualifications –
Facilities Assessment and Preliminary Planning & Design Services Proposal

Chief Bradner:

For your consideration, ZCS Engineering, Inc., in association with hsr architecture and master planning, LLC., has prepared the following statement of qualifications and services proposal to provide building and site space programming studies and facility assessments for the Albany Fire Department Station 11. A technically and logistically challenging project of this nature will require a team of consultants experienced in all disciplines incidental to essential facility design. The Team of ZCS and hsr is comprised of such members, with specialized experience in the design of Fire stations.

ZCS and hsr have worked on numerous essential facility projects throughout Oregon, both as a team and individually. Together they recently completed a 33,000 ft² two-storey renovation of the former 1956 National Guard Armory building to a new state of the art facility for the City of Klamath Falls Police Department. The Team successfully collaborated with Chief James Hunter, his department, and City officials to deliver the project on time and within the budget.

In addition to the Klamath Falls Police Department, the team of ZCS / hsr is currently working together on the following essential facility projects:

- Seismic rehabilitation of a 1931 unreinforced masonry fire station for Klamath County Fire District #1
- Facility design and construction administration for a new 9-1-1 emergency call center for the Klamath County Emergency Communications District. The facility is scheduled for completion Spring of 2011.
- Space programming and pre-design plan preparation for a new Klamath County Fire District #1 fire station. This station will be located immediately adjacent to the recently completed Klamath Falls Police Station and the new 911 Call Center. Once complete, the three facilities will provide a local hub for emergency services to Klamath Falls and the surrounding area.

Individually the firms of ZCS and hsr have participated in the design and construction of an additional 15+ essential facility projects over the past 10 years. Some of those projects include:

- Jackson County 911 Emergency Call Center – ZCS
- Grants Pass Dept of Public Safety, Parkway Fire Station – ZCS
- Grants Pass Dept of Public Safety, Redwood Fire Station – ZCS
- Coos Bay Police Station Seismic Retrofit – ZCS
- City of Talent Police Station – ZCS
- Prineville Police Station Remodel Consultation and Seismic Grant Application – hsr
- City of Bend Police Station – hsr (Phased project)
- City of Troutdale Feasibility/Options Study for new PD – hsr

We understand that every agency department is unique in its operation. There is no standard recipe for Fire facility design. We will listen to you and your staff, perform responsible facility assessments, and then tailor a pre-design package to meet your needs. Our programming tasks will identify staff and space needs for current, 20, and 40 year forecasts. While it may not be prudent to consider build-out for future needs at the present time, it would be wise to consider how future expansion opportunities might be made and allow for future infrastructure growth. The design of a new fire station must allow flexibility for future growth and possible changes in operational needs.

As the Principals of these two firms, we are personally committed to each project and will provide start to finish oversight of every phase of our work. We always strive to provide practical, constructible, and cost efficient design solutions. We work closely with our clients throughout the entire design and construction process to ensure that the building function not only meets, but exceeds their expectations. We believe open lines of communication between the design team and the owner is crucial for a successful project.

ZCS and hsr stand behind the philosophy that public facilities should be efficient, safe and easy to maintain, with materials and systems that will last. It will be our mission to provide consulting services to meet these goals. Enclosed you will find additional information about our team, examples of relevant projects recently completed, firm references, resumes of our Principals, and a scope and fee proposal for the facilities assessment and preliminary planning and design for the Fire Department . Please review this information and feel free to contact us with any questions you may have.

We appreciate this opportunity and look forward to working for you.

Sincerely,



Russell C. Carter, PE, SE, President
ZCS Engineering, Inc.



D. Scott Souders, PE, General Manager
ZCS Engineering, Inc.



Leslie Hara Shick, Principal
hsr architecture and master planning, LLC.



John Ralston, NCARB, Principal
hsr architecture and master planning, LLC.

About ZCS and hsr

Firm Description - ZCS Engineering, Inc.

ZBINDEN · CARTER · SOUDERS ENGINEERING INC. (ZCS), is a Pacific Northwest consulting firm offering structural, civil and construction engineering. We believe that it is vital to establish a close working relationship with our clients and associates in order to deliver the best product possible. At ZCS, we always strive to find the most effective balance of attention to schedule, budget and technology.

ZCS was established in Klamath Falls, Oregon in 1978, and has completed over 8,500 projects throughout the Pacific Northwest. We provide structural, civil and construction engineering support expertise to government agencies, municipalities and private individuals. We employ a technical staff that is appropriately skilled to efficiently execute project engineering tasks within an acceptable time frame and with a superior level of precision. ZCS Engineering, Inc. has been expanding our business to additional locations in Oregon. Our office locations now include Klamath Falls, Bend, Portland, and Grants Pass. We hold professional engineering registrations in Oregon, Washington, California, Arizona, Idaho, Colorado, Montana, Ohio, and Louisiana.

Services

Civil Engineering

We are proud to provide our clients with design and consultation assistance from the conceptual schematic site development phase to completed construction and owner acceptance. Our philosophy is simple: provide efficient and cost effective solutions for our clients while maintaining constant lines of communication. We offer master planning consultation, feasibility studies, detailed design, document preparation, and construction support. The range of services provided include land development consultation and design services, utility infrastructure design, site grading, drainage and erosion control design, stormwater management and system design, project permitting, and construction administration.

Structural Engineering

Our staff includes licensed structural engineers with comprehensive consulting backgrounds and experience in the analysis and design for all types of structural systems. Our range of structural services includes structural analysis and design of structures, building and foundation design ratings of existing building systems, remodels and seismic retrofits, retaining wall design, bridge design, demolition consultation, special inspection services, and construction administration. We are capable of designing structures using all available media, including timber, masonry, steel, light gauge metal, and reinforced & pre-stressed concrete.

Construction Engineering Support

We have extensive background and experience in the construction engineering support field. We have provided construction consultation related to heavy duty shoring systems, cofferdams, bridge erection, bridge demolition, heavy materials handling, deep foundation installation, and construction safety systems for bridge and highway contractors throughout the Pacific Northwest, California, Utah, and Colorado.

Firm Organization

ZCS is fortunate in that we have a diverse staff corporate wide from which we can assemble the most effective team based on the technical background required to execute the specific project at hand. We believe the ability to develop working relationships between staff members prepares employees for teaming with other firms on multifaceted projects. We currently employ 23 individuals, including seven professional engineers (two of which have SE licenses), nine engineering technicians and support staff.

Firm Description - hsr architecture

hsr architecture and master planning, llc, is a registered joint venture formed in 2002 between Phoenix Architecture (formerly Ralston Architects) and Hara Shick Architecture, PC both located in Bend, Oregon. Both are full service architecture firms offering commercial, civic (county / city) and governmental planning and design.

The two firms had been working closely together on many projects since 1998 when Ralston Architects was located in Beaverton and from this positive and productive working alliance, it was inevitable that the two would formally join forces.

hsr directs civic and commercial projects throughout Oregon. We believe that the key to the success of a project lies in the spirit of cooperation between owner, design team, construction team, governmental agencies and the local community.

We work together to find creative, cost effective solutions that acknowledge budgets, needs and schedule. We are dedicated to providing our clients with service that results in their clearest understanding and appreciation of the planning and design process. We listen and hear our clients and continually pursue courses of action that open our clients and ourselves to new ideas, concepts and streamlined processes that create value for our work.

hsr employs a staff of six, including three architects licensed in Oregon and a full production staff. We are fully qualified and able to meet the demands of the most rigorous design and project. Our firm is passionate about what we do. The excitement and energy, combined with our broad range of experience and expertise, ensure each project is a successful one.

Since 1998, hsr has worked on the following applicable projects:

- Bend Area Transit Office/Maintenance Facility
- City of Bend Master Planning for the Pilot Butte Campus
- City of Bend New Police Station and Remodel / Addition
- Jefferson County Parole and Probation Remodel
- Jefferson County Facilities Programming
- Klamath Falls Police Station
- Klamath Falls Police Station / Fire Administration and 911 Programming
- Chiloquin Volunteer Ambulance Service
- City of Prineville/Crook County Downtown
- Revitalization Project including:
 - Civic Plaza Funding Facilitation with C.I.F and C.S.T
 - Civic Plaza Design
 - Prineville City Hall and Police Station Remodel
 - Crook County Human Services Building Remodel

Similar Projects

Projects completed by the Team of ZCS and hsr

Project: City of Klamath Falls Police Station
Client: City of Klamath Falls
Contact: Chief Jim Hunter

This \$5.3 million new police station facility in Klamath Falls, Oregon was recently completed by the team of ZCS/hsr. The project consists of an addition and remodel to an existing 31,000 SF concrete and timber building. This new facility includes a Sally Port, Evidence Lab and lockers, SWAT Armory, Exercise Room, Weapons and Radio Room, ORPAT, Meeting/EOC Room, Major Crime Team Room and Computer Forensics Room, and Holding and Interview Rooms.

A second floor was constructed within the existing facility. The construction consists of conventional timber framed walls, manufactured trusses, masonry shear walls and steel floor beams and headers. Challenges included complex structural systems detailing and thickening of existing footings to support the new second floor.



Project: Klamath County Fire District #1, Station 3
Client: Klamath County Fire District #1
Contact: Jim Kenworthy, Fire Marshal/Division Chief

3

The Klamath County Fire District #1 recently received a \$1.3 million grant through the Oregon Office of Emergency Management to rebuild the existing Station 3, a project that entails new construction and site remodeling. The proposed building will have 7,800 SF of living and operations space as well as 6,000 SF designated for the apparatus bays. hsr will handle the full architectural services: programming, design and documentation, and consultant coordination. ZCS' responsibilities will include design consulting for both civil and structural portions of the project.

Project: Klamath 9-1-1
Client: Klamath County Emergency Communications District
Contact: Jeanine Dilley, Executive Director
Klamath 9-1-1

ZCS is the lead consultant for the \$1.25 million Klamath 9-1-1 Emergency Communications Center currently under construction and scheduled for a spring 2011 completion. This 6,000 SF building will house both offices for the Klamath 9-1-1 Communications District as well as a Dispatch Room and Conference Room. ZCS performed an existing facility assessment and helped Klamath 9-1-1 locate a site for their new facility. ZCS, in association with hsr, worked very closely with the Executive Director, her staff, and the Klamath 9-1-1 Board to program a state-of-the-art facility that successfully accommodates existing and projected needs. This project had serious budgetary challenges and came to fruition only through the close collaboration between Klamath 9-1-1 and the General Contractor. In addition to full service design and construction administration support, ZCS also assisted the Klamath County Emergency Communications District in obtaining a USDA construction loan to fund the project. hsr's responsibilities included full architectural services: programming, design and documentation, and consultant coordination.



Project: Klamath 9-1-1
Client: Klamath County Emergency Communications District
Contact: Jeanine Dilley, Executive Director
 Klamath 9-1-1

ZCS is the lead consultant for the \$1.25 million Klamath 9-1-1 Emergency Communications Center currently under construction and scheduled for a spring 2011 completion. This 6,000 SF building will house both offices for the Klamath 9-1-1 Communications District as well as a Dispatch Room and Conference Room. ZCS performed an existing facility assessment and helped Klamath 9-1-1 locate a site for their new facility. ZCS, in association with hsr, worked very closely with the Executive Director, her staff, and the Klamath 9-1-1 Board to program a state-of-the-art facility that successfully accommodates existing and projected needs. This project had serious budgetary challenges and came to fruition only through the close collaboration between Klamath 9-1-1 and the General Contractor. In addition to full service design and construction administration support, ZCS also assisted the Klamath County Emergency Communications District in obtaining a USDA construction loan to fund the project. hsr's responsibilities included full architectural services: programming, design and documentation, and consultant coordination.

Projects completed by ZCS

Project: Klamath County Fire District #1 Station 6 Seismic Retrofit
Client: Klamath County Fire District #1
Contact: Jim Kenworthy, Fire Marshal/Division Chief

ZCS is the lead consultant for the Station 6 seismic retrofit design currently in progress for Klamath County Fire District #1. This \$1.3 million project

involves the structural evaluation of an existing two story, unreinforced masonry fire station and the design and administration of a complete structural retrofit package. ZCS is responsible for all pre-design reconnaissance, structural analysis and design, and construction oversight. In addition to our design responsibilities, ZCS provided the grant writing support that led to the award of the \$1,000,000 Seismic Rehabilitation Grant to the Fire District that made this project possible.

Project: Parkway Fire Station – Grants Pass, OR
Client: ORW Architecture
Contact: David Wilkerson, AIA

Completed in 2009, this 16,000 SF fire station for the City of Grants Pass is located in Grants Pass, Oregon. The fire station includes 4,532 SF designated for a fire apparatus bay, 1,773 SF for a public education facility, and 9,695 SF for training, offices and living quarters. The construction consisted of conventional timber framed interior walls and a floor system with manufactured timber trusses. The apparatus bay exterior walls consist of a manufactured steel building system with concrete masonry shear piers. The offices and living quarters consisted of concrete masonry unit walls. Challenges included complex structural systems detailing, large timber truss detailing, and a 53 FT tall working bell tower. Responsibilities include design consulting for both civil and structural portions of the project.



Project: Redwood Fire Station
Grants Pass, OR
Client: ORW Architecture
Contact: David Wilkerson, AIA

Completed in 2008, this 7,000 SF fire station for the City of Grants Pass, Oregon includes 3,800 SF of office space and sleeping quarters, and a 3,200 SF fire apparatus bay. The construction consisted of conventional timber framed walls and manufactured trusses for the office area and concrete masonry unit walls and manufactured steel building frames for the apparatus bay. Utilizing masonry shear piers and the interface between the steel building frames made design coordination critical. Responsibilities included design consulting for both civil and structural portions of the project.



Project: City of Klamath Falls On-Call Services
Client: City of Klamath Falls
Contact: Mark Willrett, Director of Public Works

ZCS has provided on-call engineering services to the City of Klamath Falls for a variety of projects. Some of these projects include facility damage repair, facility remodels and expansion consultation, facility condition assessments, re-roofing projects, etc. Facilities that we have worked on include vehicle storage buildings, shops, sheds, water and sewer pump houses, offices, and other small

maintenance buildings. In addition, we have also responded to various emergency situations such as damaged signal poles, utility breaks, environmental spills, and earthquake damage.

In the winter of 2008, the City of Klamath Falls was hit with a winter storm threatening many structures within the area. The entire team of ZCS engineers in the Klamath Falls office hit the streets to analyze the structures starting with the essential facilities of the City to ensure safety for employees and evacuees seeking shelter from the storm. We provided building safety evaluations, snow removal programs and temporary shoring systems as required to continue occupancy.

Projects completed by hsr

Project: City of Bend Police Station, Phase 1
Client: City of Bend
Contact: Chief Andy Jordan (Retired) and Brad Emerson

Completed in September 2002, this \$4.5 million, 27,000 SF new facility is located in Bend, Oregon. This facility design includes administration and staff offices, conference and training rooms, secure storage (evidence, radio & SWAT), public / staff separation and security, public / employee / fleet vehicle separation, and security, emergency ingress / egress, and accessibility. Responsibilities included programming, design and documentation, consultant coordination, construction administration and close-out.



Project: City of Bend Police Station, Phase 2
Client: City of Bend
Contact: Chief Sandy Baxter and Brad Emerson

Currently under construction, this \$4.7 million, 18,000 SF, addition to the police station is located in Bend, Oregon. The addition consists of three projects that were planned for in the original design. These additions include secure storage, locker / shower / work out room expansion, and a large municipal court / training room. These additions are being added with minimal impact to day-to-day operations. Responsibilities include programming, design and documentation, consultant coordination, construction administration and close-out.

References

ZCS References

City of Klamath Falls
 Jim Hunter, Chief of Police
 425 Walnut Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5341

Klamath County Fire District #1
 Jim Kenworthy, Fire Marshal
 143 Broad Street
 Klamath Falls, OR 97601
 Phone: 541.885.2056 x104

City of Grants Pass
 Rich Schaff, City Engineer
 541.474-6355 ext. 6415
 101 NW A Street
 Grants Pass, OR 97526
rschaff@grantspassoregon.gov

City of Klamath Falls
 Mark Willrett, Public Works Director
 500 Klamath Ave
 Klamath Falls, OR 97601
 541.883.5364
willrett@ci.klamath-falls.or.us

City of Klamath Falls School District
 Cecelia Amuchastegui, Superintendent (retired)
 1730 Quall Ridge Drive
 Klamath Falls, OR 97601
 Phone: 541.331.1194

hsr References

City of Klamath Falls
 Jim Hunter, Chief of Police
 425 Walnut Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5341

City of Troutdale
 Scott Anderson, Chief of Police
 104 SE Kibling St
 Troutdale, OR 97060
 Phone: 503.491.4000

City Of Bend
 Sandy Baxter, Chief of Police
 555 NE 15th Street
 Bend, OR 97701
 Phone: 541.322.2970

City of Bend
 Andy Jordan, Chief of Police (retired)
 3352 NW Starview Drive
 Bend, OR 97701
 Phone: 541.788.2027

City of Bend
 Brad Emerson, Special Projects Director
 710 NW Wall St.
 Bend, OR 97701
 Phone: 541.317.3054

City of Klamath Falls
 Jeff Ball, City Manager
 500 Klamath Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5316

Russell C. Carter, PE, SE, President

ZCS Engineering, Inc.

Professional Registrations

Registered Civil and
Structural Engineer
Oregon 18653

Registered Civil Engineer
Washington 34644
California 53988
Colorado 36094

Education

Bachelor of Science,
Civil Engineering Technology
Oregon Institute of Technology
Klamath Falls, Oregon

20 Years of Experience

6/01 – Present
President,
Zbinden-Carter-Souders Engi-
neering, Inc.

7/95 – 6/01
Principal Engineer,
Zbinden-Carter Engineering, Inc.

6/89 – 7/95
Project Manager,
Zbinden-Carter Engineering, Inc.

Biography

Russ Carter began studies in the Civil Engineering Technology program at the Oregon Institute of Technology in 1985. His academic background is diverse in the engineering field and includes surveying, public works, construction, and structural engineering disciplines. Prior to his employment with ZCS Engineering, formerly Zbinden-Carter Engineering, he gained extensive engineering and construction experience in the bridge and highway construction field. It was during this duration of his engineering career where he was first exposed to public agency administered projects and the procedures and practices associated with such ventures.

During his employment with ZCS Engineering, Russ has served as project manager on more than 4,000 structural and civil projects. His engineering experience includes municipal, industrial, commercial, agricultural, medical, institutional, and residential projects.

Select Project Experience

- Klamath County Fire District #1 – Station 6 Seismic Retrofit
- Klamath Emergency Service District –911 Communication Center
- City of Klamath Falls - Facility Assessment and Structural Engineering Consultation
- City of Klamath Falls – New Klamath Falls Police Department Headquarters
- City of Talent – Talent Police Department Alterations and Additions
- Klamath County Fire District #1 – New Station 5 Facility Design
- Klamath County School District - Facility Assessment and Structural Engineering Consultation
- Klamath Falls City Schools - On Call District Wide Facility Assessment and Structural Consultation
- City of Coos Bay - City Hall / City Police Station Rehabilitation SRGP Awarded Project

D. Scott Souders, PE, General Manager

ZCS Engineering, Inc.

Professional Registrations

Registered Civil Engineer

Oregon 56137PE
Washington 40680
California C63299

Education

Bachelor of Science,
Civil Engineering Technology
Oregon Institute of Technology
Klamath Falls, Oregon

14 Years of Experience

1/02 – Present
General Manager,
Zbinden-Carter-Souders Engi-
neering, Inc.

6/98 – Present
Project Manager,
Zbinden-Carter Engineering, Inc.

4/96 – 4/98
EIT,
Zbinden-Carter Engineering, Inc.

Biography

In 1997, Scott graduated from the Oregon Institute of Technology with a Bachelor of Science Degree in Civil Engineering Technology. From June 1992 to December 1993, he took time away from college to gain experience in the construction industry where he worked as a carpenter for a large commercial contractor. During this time, he gained knowledge and experience in the construction industry that has served him well in his engineering profession.

During his employment at ZCS Engineering, Scott has been involved in a wide variety of project development in both the civil and structural fields of engineering. He has helped develop a powerful consulting team that provides planning, engineering, and construction management services to architects, building contractors, developers, and municipalities. Scott continually strives to develop and maintain open lines of communication between permitting agencies, contractors, consultants, and owners on all of ZCS Engineering's projects. This philosophy has continually proven to be very beneficial to the firm's success.

Select Project Experience

- hsr architecture – City of Klamath Falls Police Department, Klamath Falls, OR
- hsr architecture – Klamath County Fire District #1, Fire Station #3, Klamath Falls, OR
- Klamath 911 – 911 Emergency Call Center, Klamath Falls, OR
- ORW Architecture – 911 Dispatch Center, Medford, OR
- ORW Architecture – Parkway Fire Station, Grants Pass, OR
- ORW Architecture – Redwood Fire Station, Grants Pass, OR
- ORW Architecture – Jackson County Jail Sally Port, Medford, OR, Construction by Adroit Construction
- S&B James Construction – Kingsley Field Air National Guard, Security Forces Facility, Klamath Falls, OR
- Bogatay Construction – Kingsley Field/Oregon Air National Guard Front Base Entry Facility, Klamath Falls

Leslie Hara Shick, Principal

hsr architecture and master planning, llc.

Licensing:

1983, Licensed Architect, State of Oregon

Education:

1979, University of Oregon,
Bachelor of Architecture

Professional:

1990 to Present, Hara Shick
Architecture, Bend OR

2003 to Present, hsr master
planning and architecture, LLC,
Bend OR

Biography

Leslie works as principal architect of hsr master planning and architecture to provide start to finish services that result in a product that is on time and to the budget and without cost over runs. She works effectively with users, committees, citizens and regulatory agencies to understand the issues and move towards workable solutions. As a principal she guides and oversees all design and planning efforts of hsr.

Leslie believes that listening and responding to client needs is key to providing the service and support each successful project requires. Working with the City of Bend, City of Bend Police, Oregon Parks and Recreation District, Bend Park and Recreation District, Jefferson County, Klamath County, City of Klamath Falls and City of Prineville has deepened her experience and she truly enjoys working with public processes, projects and people.

She understands the importance and meaning public projects provide communities, and works to design timeless, durable and efficient buildings. She is able to clearly convey her architectural designs and intent to owners and users and exceed their expectations.

Select Project Experience

- City of Bend Transit Maintenance and Operations Facility
- City of Bend Waste Water Treatment Remodel
- City of Bend Master Planning Pilot Butte Campus
- Bend Police Station Remodel/Addition
- Bend City Hall and ADA Study
- City of Bend Boyd Acres ADA and Master Planning
- Klamath Falls Police Station
- City of Klamath Falls Master Planning Joint Safety Facility
- Master Planning City of Klamath Falls
- Prineville City Hall
- Prineville Plaza
- Jefferson County Courthouse ADA and Site Improvements
- Jefferson County Parole and Probation
- Jefferson County Annex Remodel-Administrative Services
- Master Planning Jefferson County
- Oregon State Parks & Recreation District
Kam Wah Chung Museum
- Oregon State Parks & Recreation District Sumpter Dredge

John Ralston, NCARB, Principal

hsr architecture and master planning, llc.

Licensing

1983, Licensed Architect, State of Oregon

Licensed in Oregon, Arizona, Washington, Hawaii, and Utah

NCARB Certified

Education

1979, University of Oregon,
Bachelor of Architecture

Professional

1992 to 2007, Ralston Architects,
PC, Beaverton OR

2003 to Present, hsr master
planning and architecture, LLC,
Bend OR

Biography

John Ralston is a partner in hsr, a registered joint venture between Phoenix Architecture and Hara Shick Architecture. As a Principal of hsr, John shares ultimate responsibility for all planning and design services provided by the firm, a responsibility he takes very seriously.

John's insistence on providing the highest level of client satisfaction and project quality sets the tone for the entire firm. It is this prioritizing of client needs which has allowed hsr, and John personally, to maintain a solid base of repeat customers and long standing relationships.

During his twenty-eight years of experience, John has handled projects of all sizes in public works, tenant improvement, retail, industrial, commercial, and residential design, as well as in master planning for commercial and public facilities

The strong cooperative relationships John has built with building officials benefit the firm and its clients, as does his ability to navigate and interpret building codes. John has specialized in understanding the A.D.A. requirements for new and existing construction as well as Title II facilities to guide the client towards proper compliance.

Select Project Experience

- City of Bend Transit Maintenance and Operations Facility
- Bend Police Station-Phase I and Phase II
- City of Bend Waste Water Training Facility
- City of Bend Master Planning Pilot Butte Campus
- Bend City Hall and Boyd Acres ADA Studies
- Klamath Falls Police Station
- Prineville City Hall
- Prineville Plaza
- Prineville Senior Center
- Nike MLK Store-Portland, OR
- Nike Outlet stores throughout the US
- Intel Private Airline Terminal Locations

Scope of Work

Albany Fire Station 11

PHASE I - Programming and Option Studies

Part A-Programming and Needs Assessment

1. **We will confirm and evaluate:**
 - i. Fire Station 11 Facility Needs Report, 10/4/2010 by Chief Bradner
 - ii. City of Albany Fire Station 11 Building Evaluations performed 12/10/03 by Degenkolb
 - iii. Deliverable: We will provide a written summary of the Fire Station Needs Report and the Building Evaluations Report

2. **Programming: We will meet individually with the Fire Department representatives to determine their current, 20 and 40 year needs for Fire Station 11 including site requirements and spatial relationship diagrams.**
 - i. Deliverable: We will provide a program document including area requirements for current, 20 and 40 year building needs with spatial relationship diagrams and site area requirements.

3. **Proceed to Part B with approval of Part A by Chief Bradner and Mark Shepard.**
 - i. Deliverable: Once approval of Part A is provided, we will develop a timeline to complete Phase 1, Part B services.

Part B-Option Studies

We will evaluate development opportunities for each of the following options to meet current, 20 and 40 year needs for Fire Station 11. We will pursue each option until it appears that it is not feasible or practical – See Decision Tree. Information to be independently provided by the City of Albany has been identified below.

1. **Based on the information identified in Part A, three options will be studied based on the following:**
 - Site and Building Evaluation – Location, Site Size and Configuration, Existing Building, Parking and Site Access, Property Acquisition Cost
 - Preliminary Traffic Analysis – By City of Albany personnel
 - Environmental Level 1 Study – Existing Fire Station 11 site, the Central School Property, and one additional property to be identified by City of Albany
 - Preliminary Geotechnical evaluation using available data for site and soil classification
 - Preliminary Civil Study
 - Preliminary Architectural Study
 - Preliminary Structural Study
 - Preliminary Mechanical Study
 - Preliminary Electrical Study
 - Identify costs and opportunities associated with construction, property acquisition, relocation and development phasing
 - Timeline and opportunities for development of each of the options including phasing

Option 1 – Existing Fire Station 11 Site and Facility

Once an option is selected by City Council and ZCS receives written authorization to proceed, we will provide a detailed study of the selected option which will include the following:

- a. **Identify property area that will be required to meet the Fire Station’s current and future needs**
 - Consider Vacating 6th Street for providing a continuous piece of property with the existing fire station site. Review implications of vacating 6th Street
 - Review Utility Easements required at the existing site and within adjacent right-of-way
 - Review infrastructure improvements and relocation of utilities for the existing site and within adjacent right-of-way
- b. **Determine the feasibility of remodeling and adding on to the existing Fire Station with consideration of:**
 - Evaluation of historic significance of the existing fire station
 - Central Albany Historic District/Central Albany Renewal Agency Funding possibilities and attendant programming requirements including museum space
 - Costs and plans to maintain continuity of Station 11 services
- c. **Determine the feasibility of replacing the existing structure with a new facility with consideration of:**
 - Central Albany Historic District/Central Albany Renewal Agency Funding possibilities and attendant programming requirements
 - Costs and plan to maintain continuity of Station 11 services

Option 2 – Central School Property

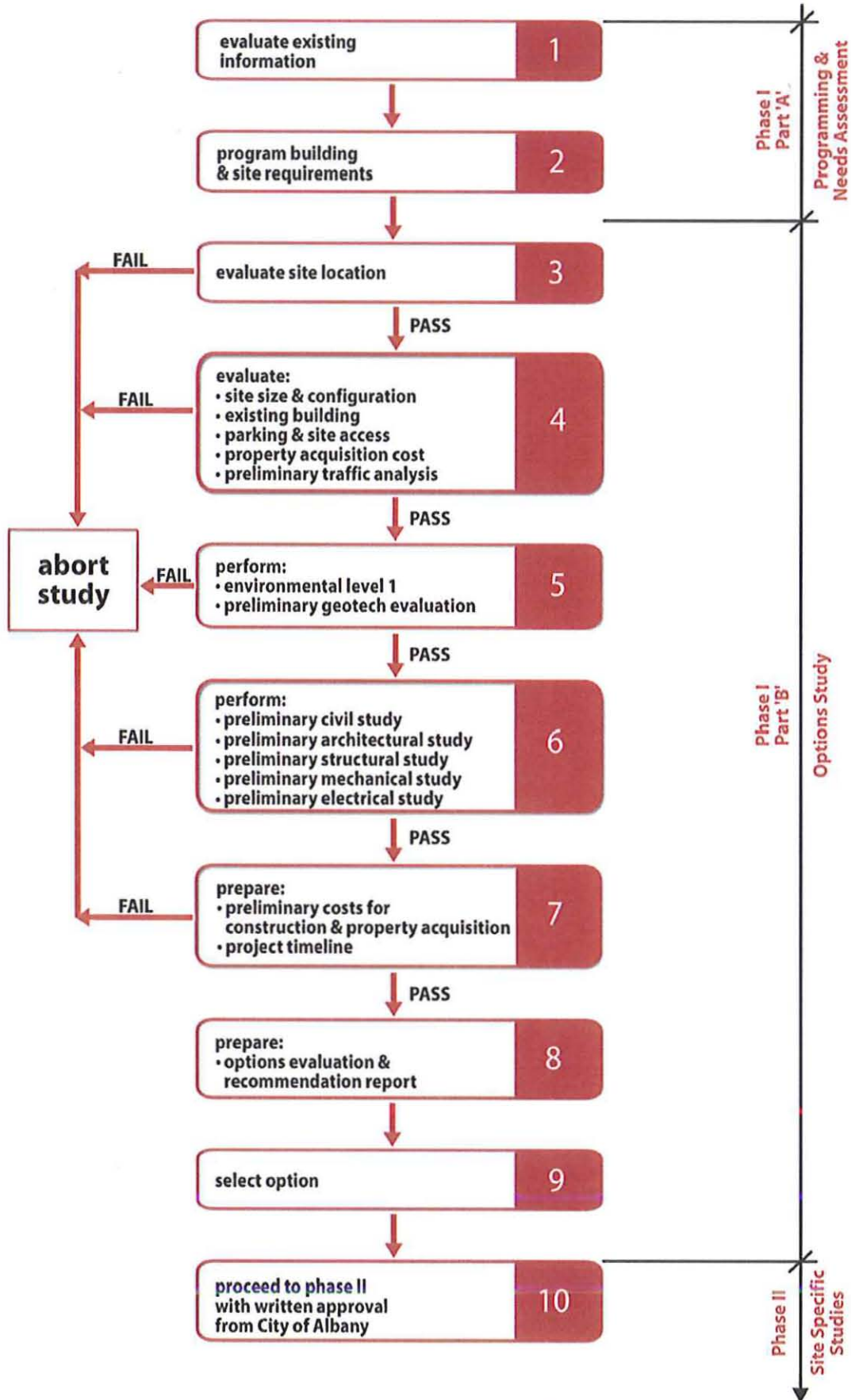
We will review the feasibility of building a new Fire Station 11 on the Central School Property

Option 3 – One (1) site to be determined

Construct Station 11 on a new site within strategic response time for central Albany. The owner will identify one property for the team to evaluate. It is understood the new site would not consist of building remodel, but rather a new station would be constructed.

2. **Deliverable:** We will prepare a written report evaluating each option and provide a recommendation of the most feasible option for presentation to City Council
3. **Presentation:** We will deliver presentation(s) as required to City Council.

City of Albany Fire Facilities Options Study Phase 1 Decision Tree



decision tree

PHASE II - Site Specific Studies

Once an option is selected by City Council and ZCS receives written authorization to proceed, we will provide a detailed study of the selected option which will include the following:

1. Project development cost worksheet
2. Master Planning: Description of the areas and plans for a 40 year build out
3. Master Plan – Schematic Design Level
 - i. Site Plan
 - ii. Grading Plan
 - iii. Utilities
4. Schematic Floor Plans
5. Schematic Building Elevations
6. Schematic Design Phase Construction Cost Estimate
7. ALTA Survey and Geotechnical Study
8. Review requirements with Planning, Engineering and Building Departments
9. Review requirements with ODOT
10. Refine preliminary timeline for development

Fees for Phase II services will be established when an Option and specific site requirements are selected.

**Albany Fire Department - Station 11
Department Programming and Facilities Assessment
Summary of Fees**

Task	Description	Task Totals
Ph1A	Programming & Needs Assessment	\$16,660
Ph1A Reimbursables	Reimbursable Expenses	\$4,918
<i>Ph1A Subtotal</i>		\$21,578
Ph1B - Option 1	Extg Station 11 Site and Facility	\$53,390
Ph1B - Option 2	Central School Property	\$19,820
Ph1B - Option 3	One (1) Site To Be Determined	\$19,820
Ph1B - Mtgs/Admin	Meetings & Project Administration	\$12,225
Ph1B Reimbursables	Reimbursable Expenses	\$6,332
<i>Ph1B Subtotal</i>		\$111,587
Total Estimate Fee		\$133,165

The fees noted in the above table are to be considered estimated allowances. It is understood this project will be tracked on a Time & Materials basis and that it may be necessary to adjust individual task allowances as necessary to meet study demands.

**2011 Fee Schedule
ZCS Engineering & hsr architecture**

Hourly Rates ZCS Engineering:

Principal-in-Charge	\$125 ⁰⁰ / hr
Project Manager	\$95 ⁰⁰ / hr
Engineer 1	\$90 ⁰⁰ / hr
Engineer 2	\$80 ⁰⁰ / hr
Engineer 3	\$75 ⁰⁰ / hr
Technician 1	\$70 ⁰⁰ / hr
Technician 2	\$65 ⁰⁰ / hr
CAD Staff	\$60 ⁰⁰ / hr
Administrative Assistant	\$55 ⁰⁰ / hr
Support Staff	\$35 ⁰⁰ / hr

Hourly Rates hsr architecture:

Principal Architect	\$120 ⁰⁰ / hr
CAD Staff	\$50 ⁰⁰ / hr
Administrative Assistant	\$45 ⁰⁰ / hr

- * Subconsultant Fees = Cost +5%
- * All long distance phone & fax services are considered incidental to the above hourly rates. No additional fees are billed for these services.
- * All reproductions and deliveries will be billed as additional services on a time and materials basis.

ZCS and hsr have a philosophy regarding our planning, pre-design, design and construction responsibilities. We believe that public facilities should be "efficient, safe and easy to maintain, with materials and systems that will last." It will be our intent to provide pre-design services to meet these goals.



900 Klamath Avenue
Klamath Falls, OR 97601
541.884.7421 ph
541.883.8804 fax
www.zcsengineering.com



838 NW Bond Street, Suite 2
Bend, OR 97701
541.389.3904 ph
541.383.3904 fax
www.phoenixbend.com



ZBINDEN • CARTER • SOUDERS
ENGINEERING^{INC.}

hsr

master planning,
architecture, llc



Statement of Qualifications and Fee Proposal
City of Albany Police Department
Facilities Assessment and Preliminary Planning and Design



February 16, 2011

Mr. Ed Boyd, Police Chief
PO Box 490
Albany, OR 97321

S
O
Q

Reference: City of Albany – Police Department

Subject: Statement of Interest and Qualifications –
Facilities Assessment and Preliminary Planning & Design Services Proposal

Chief Boyd:

For your consideration, ZCS Engineering, Inc., in association with hsr architecture and master planning, LLC., has prepared the following statement of qualifications and services proposal to provide building and site space programming studies and facility assessments for the Albany Police Station. A technically and logistically challenging project of this nature will require a team of consultants experienced in all disciplines incidental to essential facility design. The Team of ZCS and hsr is comprised of such members, with specialized experience in the design of Police stations.

ZCS and hsr have worked on numerous essential facility projects throughout Oregon, both as a team and individually. Together they recently completed a 33,000 ft² two-storey renovation of the former 1956 National Guard Armory building to a new state of the art facility for the City of Klamath Falls Police Department. The Team successfully collaborated with Chief James Hunter, his department, and City officials to deliver the project on time and within the budget.

In addition to the Klamath Falls Police Department, the team of ZCS / hsr is currently working together on the following essential facility projects:

- Seismic rehabilitation of a 1931 unreinforced masonry fire station for Klamath County Fire District #1
- Facility design and construction administration for a new 9-1-1 emergency call center for the Klamath County Emergency Communications District. The facility is scheduled for completion Spring of 2011.
- Space programming and pre-design plan preparation for a new Klamath County Fire District #1 fire station. This station will be located immediately adjacent to the recently completed Klamath Falls Police Station and the new 911 Call Center. Once complete, the three facilities will provide a local hub for emergency services to Klamath Falls and the surrounding area.

Individually the firms of ZCS and hsr have participated in the design and construction of an additional 15+ essential facility projects over the past 10 years. Some of those projects include:

- Jackson County 911 Emergency Call Center – ZCS
- Grants Pass Dept of Public Safety, Parkway Fire Station – ZCS
- Grants Pass Dept of Public Safety, Redwood Fire Station – ZCS
- Coos Bay Police Station Seismic Retrofit – ZCS
- City of Talent Police Station – ZCS
- Prineville Police Station Remodel Consultation and Seismic Grant Application – hsr
- City of Bend Police Station – hsr (Phased project)
- City of Troutdale Feasibility/Options Study for new PD – hsr

We understand that every agency department is unique in its operation. There is no standard recipe for Police facility design. We will listen to you and your staff, perform responsible facility assessments, and then tailor a pre-design package to meet your needs. Our programming tasks will identify staff and space needs for current, 20, and 40 year forecasts. While it may not be prudent to consider build-out for future needs at the present time, it would be wise to consider how future expansion opportunities might be made and allow for future infrastructure growth. The design of the police station must allow flexibility for future growth and possible changes in operational needs.

As the Principals of these two firms, we are personally committed to each project and will provide start to finish oversight of every phase of our work. We always strive to provide practical, constructible, and cost efficient design solutions. We work closely with our clients throughout the entire design and construction process to ensure that the building function not only meets, but exceeds their expectations. We believe open lines of communication between the design team and the owner is crucial for a successful project.

ZCS and hsr stand behind the philosophy that public facilities should be efficient, safe and easy to maintain, with materials and systems that will last. It will be our mission to provide consulting services to meet these goals. Enclosed you will find additional information about our team, examples of relevant projects recently completed, firm references, resumes of our Principals, and a scope and fee proposal for the facilities assessment and preliminary planning and design for the Police Department . Please review this information and feel free to contact us with any questions you may have.

We appreciate this opportunity and look forward to working for you.

Sincerely,



Russell C. Carter, PE, SE, President
ZCS Engineering, Inc.



D. Scott Souders, PE, General Manager
ZCS Engineering, Inc.



Leslie Hara Shick, Principal
hsr architecture and master planning, LLC.



John Ralston, NCARB, Principal
hsr architecture and master planning, LLC.

About ZCS and hsr

Firm Description - ZCS Engineering, Inc.

ZBINDEN · CARTER · SOUDERS ENGINEERING INC. (ZCS), is a Pacific Northwest consulting firm offering structural, civil and construction engineering. We believe that it is vital to establish a close working relationship with our clients and associates in order to deliver the best product possible. At ZCS, we always strive to find the most effective balance of attention to schedule, budget and technology.

ZCS was established in Klamath Falls, Oregon in 1978, and has completed over 8,500 projects throughout the Pacific Northwest. We provide structural, civil and construction engineering support expertise to government agencies, municipalities and private individuals. We employ a technical staff that is appropriately skilled to efficiently execute project engineering tasks within an acceptable time frame and with a superior level of precision. ZCS Engineering, Inc. has been expanding our business to additional locations in Oregon. Our office locations now include Klamath Falls, Bend, Portland, and Grants Pass. We hold professional engineering registrations in Oregon, Washington, California, Arizona, Idaho, Colorado, Montana, Ohio, and Louisiana.

Services

Civil Engineering

We are proud to provide our clients with design and consultation assistance from the conceptual schematic site development phase to completed construction and owner acceptance. Our philosophy is simple: provide efficient and cost effective solutions for our clients while maintaining constant lines of communication. We offer master planning consultation, feasibility studies, detailed design, document preparation, and construction support. The range of services provided include land development consultation and design services, utility infrastructure design, site grading, drainage and erosion control design, stormwater management and system design, project permitting, and construction administration.

Structural Engineering

Our staff includes licensed structural engineers with comprehensive consulting backgrounds and experience in the analysis and design for all types of structural systems. Our range of structural services includes structural analysis and design of structures, building and foundation design ratings of existing building systems, remodels and seismic retrofits, retaining wall design, bridge design, demolition consultation, special inspection services, and construction administration. We are capable of designing structures using all available media, including timber, masonry, steel, light gauge metal, and reinforced & pre-stressed concrete.

Construction Engineering Support

We have extensive background and experience in the construction engineering support field. We have provided construction consultation related to heavy duty shoring systems, cofferdams, bridge erection, bridge demolition, heavy materials handling, deep foundation installation, and construction safety systems for bridge and highway contractors throughout the Pacific Northwest, California, Utah, and Colorado.

Firm Organization

ZCS is fortunate in that we have a diverse staff corporate wide from which we can assemble the most effective team based on the technical background required to execute the specific project at hand. We believe the ability to develop working relationships between staff members prepares employees for teaming with other firms on multifaceted projects. We currently employ 23 individuals, including seven professional engineers (two of which have SE licenses), nine engineering technicians and support staff.

Firm Description - hsr architecture

hsr architecture and master planning, llc, is a registered joint venture formed in 2002 between Phoenix Architecture (formerly Ralston Architects) and Hara Shick Architecture, PC both located in Bend, Oregon. Both are full service architecture firms offering commercial, civic (county / city) and governmental planning and design.

The two firms had been working closely together on many projects since 1998 when Ralston Architects was located in Beaverton and from this positive and productive working alliance, it was inevitable that the two would formally join forces.

hsr directs civic and commercial projects throughout Oregon. We believe that the key to the success of a project lies in the spirit of cooperation between owner, design team, construction team, governmental agencies and the local community.

We work together to find creative, cost effective solutions that acknowledge budgets, needs and schedule. We are dedicated to providing our clients with service that results in their clearest understanding and appreciation of the planning and design process. We listen and hear our clients and continually pursue courses of action that open our clients and ourselves to new ideas, concepts and streamlined processes that create value for our work.

hsr employs a staff of six, including three architects licensed in Oregon and a full production staff. We are fully qualified and able to meet the demands of the most rigorous design and project. Our firm is passionate about what we do. The excitement and energy, combined with our broad range of experience and expertise, ensure each project is a successful one.

Since 1998, hsr has worked on the following applicable projects:

- Bend Area Transit Office/Maintenance Facility
- City of Bend Master Planning for the Pilot Butte Campus
- City of Bend New Police Station and Remodel / Addition
- Jefferson County Parole and Probation Remodel
- Jefferson County Facilities Programming
- Klamath Falls Police Station
- Klamath Falls Police Station / Fire Administration and 911 Programming
- Chiloquin Volunteer Ambulance Service
- City of Prineville/Crook County Downtown
- Revitalization Project including:
 - Civic Plaza Funding Facilitation with C.I.F and C.S.T
 - Civic Plaza Design
 - Prineville City Hall and Police Station Remodel
 - Crook County Human Services Building Remodel

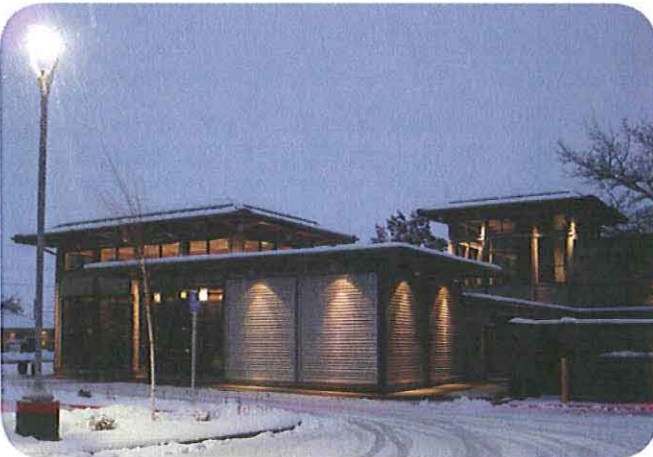
Similar Projects

Projects completed by the Team of ZCS and hsr

Project: City of Klamath Falls Police Station
Client: City of Klamath Falls
Contact: Chief Jim Hunter

This \$5.3 million new police station facility in Klamath Falls, Oregon was recently completed by the team of ZCS/hsr. The project consists of an addition and remodel to an existing 31,000 SF concrete and timber building. This new facility includes a Sally Port, Evidence Lab and lockers, SWAT Armory, Exercise Room, Weapons and Radio Room, ORPAT, Meeting/EOC Room, Major Crime Team Room and Computer Forensics Room, and Holding and Interview Rooms.

A second floor was constructed within the existing facility. The construction consists of conventional timber framed walls, manufactured trusses, masonry shear walls and steel floor beams and headers. Challenges included complex structural systems detailing and thickening of existing footings to support the new second floor.



Project: Klamath County Fire District #1, Station 3
Client: Klamath County Fire District #1
Contact: Jim Kenworthy, Fire Marshal/Division Chief

3

The Klamath County Fire District #1 recently received a \$1.3 million grant through the Oregon Office of Emergency Management to rebuild the existing Station 3, a project that entails new construction and site remodeling. The proposed building will have 7,800 SF of living and operations space as well as 6,000 SF designated for the apparatus bays. hsr will handle the full architectural services: programming, design and documentation, and consultant coordination. ZCS' responsibilities will include design consulting for both civil and structural portions of the project.

Project: Klamath 9-1-1
Client: Klamath County Emergency Communications District
Contact: Jeanine Dilley, Executive Director
Klamath 9-1-1

ZCS is the lead consultant for the \$1.25 million Klamath 9-1-1 Emergency Communications Center currently under construction and scheduled for a spring 2011 completion. This 6,000 SF building will house both offices for the Klamath 9-1-1 Communications District as well as a Dispatch Room and Conference Room. ZCS performed an existing facility assessment and helped Klamath 9-1-1 locate a site for their new facility. ZCS, in association with hsr, worked very closely with the Executive Director, her staff, and the Klamath 9-1-1 Board to program a state-of-the-art facility that successfully accommodates existing and projected needs. This project had serious budgetary challenges and came to fruition only through the close collaboration between Klamath 9-1-1 and the General Contractor. In addition to full service design and construction administration support, ZCS also assisted the Klamath County Emergency Communications District in obtaining a USDA construction loan to fund the project. hsr's responsibilities included full architectural services: programming, design and documentation, and consultant coordination.



Project: Klamath 9-1-1
Client: Klamath County Emergency Communications District
Contact: Jeanine Dilley, Executive Director
 Klamath 9-1-1

ZCS is the lead consultant for the \$1.25 million Klamath 9-1-1 Emergency Communications Center currently under construction and scheduled for a spring 2011 completion. This 6,000 SF building will house both offices for the Klamath 9-1-1 Communications District as well as a Dispatch Room and Conference Room. ZCS performed an existing facility assessment and helped Klamath 9-1-1 locate a site for their new facility. ZCS, in association with hsr, worked very closely with the Executive Director, her staff, and the Klamath 9-1-1 Board to program a state-of-the-art facility that successfully accommodates existing and projected needs. This project had serious budgetary challenges and came to fruition only through the close collaboration between Klamath 9-1-1 and the General Contractor. In addition to full service design and construction administration support, ZCS also assisted the Klamath County Emergency Communications District in obtaining a USDA construction loan to fund the project. hsr's responsibilities included full architectural services: programming, design and documentation, and consultant coordination.

Projects completed by ZCS

Project: Klamath County Fire District #1 Station 6 Seismic Retrofit
Client: Klamath County Fire District #1
Contact: Jim Kenworthy, Fire Marshal/Division Chief

ZCS is the lead consultant for the Station 6 seismic retrofit design currently in progress for Klamath County Fire District #1. This \$1.3 million project

involves the structural evaluation of an existing two story, unreinforced masonry fire station and the design and administration of a complete structural retrofit package. ZCS is responsible for all pre-design reconnaissance, structural analysis and design, and construction oversight. In addition to our design responsibilities, ZCS provided the grant writing support that led to the award of the \$1,000,000 Seismic Rehabilitation Grant to the Fire District that made this project possible.

Project: Parkway Fire Station – Grants Pass, OR
Client: ORW Architecture
Contact: David Wilkerson, AIA

Completed in 2009, this 16,000 SF fire station for the City of Grants Pass is located in Grants Pass, Oregon. The fire station includes 4,532 SF designated for a fire apparatus bay, 1,773 SF for a public education facility, and 9,695 SF for training, offices and living quarters. The construction consisted of conventional timber framed interior walls and a floor system with manufactured timber trusses. The apparatus bay exterior walls consist of a manufactured steel building system with concrete masonry shear piers. The offices and living quarters consisted of concrete masonry unit walls. Challenges included complex structural systems detailing, large timber truss detailing, and a 53 FT tall working bell tower. Responsibilities include design consulting for both civil and structural portions of the project.



Project: Redwood Fire Station
Grants Pass, OR
Client: ORW Architecture
Contact: David Wilkerson, AIA

Completed in 2008, this 7,000 SF fire station for the City of Grants Pass, Oregon includes 3,800 SF of office space and sleeping quarters, and a 3,200 SF fire apparatus bay. The construction consisted of conventional timber framed walls and manufactured trusses for the office area and concrete masonry unit walls and manufactured steel building frames for the apparatus bay. Utilizing masonry shear piers and the interface between the steel building frames made design coordination critical. Responsibilities included design consulting for both civil and structural portions of the project.



Project: City of Klamath Falls On-Call Services
Client: City of Klamath Falls
Contact: Mark Willrett, Director of Public Works

ZCS has provided on-call engineering services to the City of Klamath Falls for a variety of projects. Some of these projects include facility damage repair, facility remodels and expansion consultation, facility condition assessments, re-roofing projects, etc. Facilities that we have worked on include vehicle storage buildings, shops, sheds, water and sewer pump houses, offices, and other small

maintenance buildings. In addition, we have also responded to various emergency situations such as damaged signal poles, utility breaks, environmental spills, and earthquake damage.

In the winter of 2008, the City of Klamath Falls was hit with a winter storm threatening many structures within the area. The entire team of ZCS engineers in the Klamath Falls office hit the streets to analyze the structures starting with the essential facilities of the City to ensure safety for employees and evacuees seeking shelter from the storm. We provided building safety evaluations, snow removal programs and temporary shoring systems as required to continue occupancy.

Projects completed by hsr

Project: City of Bend Police Station, Phase 1
Client: City of Bend
Contact: Chief Andy Jordan (Retired) and Brad Emerson

Completed in September 2002, this \$4.5 million, 27,000 SF new facility is located in Bend, Oregon. This facility design includes administration and staff offices, conference and training rooms, secure storage (evidence, radio & SWAT), public / staff separation and security, public / employee / fleet vehicle separation, and security, emergency ingress / egress, and accessibility. Responsibilities included programming, design and documentation, consultant coordination, construction administration and close-out.



Project: City of Bend Police Station, Phase 2
Client: City of Bend
Contact: Chief Sandy Baxter and Brad Emerson

Currently under construction, this \$4.7 million, 18,000 SF, addition to the police station is located in Bend, Oregon. The addition consists of three projects that were planned for in the original design. These additions include secure storage, locker / shower / work out room expansion, and a large municipal court / training room. These additions are being added with minimal impact to day-to-day operations. Responsibilities include programming, design and documentation, consultant coordination, construction administration and close-out.

References

ZCS References

City of Klamath Falls
 Jim Hunter, Chief of Police
 425 Walnut Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5341

Klamath County Fire District #1
 Jim Kenworthy, Fire Marshal
 143 Broad Street
 Klamath Falls, OR 97601
 Phone: 541.885.2056 x104

City of Grants Pass
 Rich Schaff, City Engineer
 541.474-6355 ext. 6415
 101 NW A Street
 Grants Pass, OR 97526
rschaff@grantspassoregon.gov

City of Klamath Falls
 Mark Willrett, Public Works Director
 500 Klamath Ave
 Klamath Falls, OR 97601
 541.883.5364
willrett@ci.klamath-falls.or.us

City of Klamath Falls School District
 Cecelia Amuchastegui, Superintendent (retired)
 1730 Quall Ridge Drive
 Klamath Falls, OR 97601
 Phone: 541.331.1194

hsr References

City of Klamath Falls
 Jim Hunter, Chief of Police
 425 Walnut Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5341

City of Troutdale
 Scott Anderson, Chief of Police
 104 SE Kibling St
 Troutdale, OR 97060
 Phone: 503.491.4000

City Of Bend
 Sandy Baxter, Chief of Police
 555 NE 15th Street
 Bend, OR 97701
 Phone: 541.322.2970

City of Bend
 Andy Jordan, Chief of Police (retired)
 3352 NW Starview Drive
 Bend, OR 97701
 Phone: 541.788.2027

City of Bend
 Brad Emerson, Special Projects Director
 710 NW Wall St.
 Bend, OR 97701
 Phone: 541.317.3054

City of Klamath Falls
 Jeff Ball, City Manager
 500 Klamath Ave
 Klamath Falls, OR 97601
 Phone: 541.883.5316

Russell C. Carter, PE, SE, President

ZCS Engineering, Inc.

Professional Registrations

Registered Civil and
Structural Engineer
Oregon 18653

Registered Civil Engineer
Washington 34644
California 53988
Colorado 36094

Education

Bachelor of Science,
Civil Engineering Technology
Oregon Institute of Technology
Klamath Falls, Oregon

20 Years of Experience

6/01 – Present
President,
Zbinden-Carter-Souders Engi-
neering, Inc.

7/95 – 6/01
Principal Engineer,
Zbinden-Carter Engineering, Inc.

6/89 – 7/95
Project Manager,
Zbinden-Carter Engineering, Inc.

Biography

Russ Carter began studies in the Civil Engineering Technology program at the Oregon Institute of Technology in 1985. His academic background is diverse in the engineering field and includes surveying, public works, construction, and structural engineering disciplines. Prior to his employment with ZCS Engineering, formerly Zbinden-Carter Engineering, he gained extensive engineering and construction experience in the bridge and highway construction field. It was during this duration of his engineering career where he was first exposed to public agency administered projects and the procedures and practices associated with such ventures.

During his employment with ZCS Engineering, Russ has served as project manager on more than 4,000 structural and civil projects. His engineering experience includes municipal, industrial, commercial, agricultural, medical, institutional, and residential projects.

Select Project Experience

- Klamath County Fire District #1 – Station 6 Seismic Retrofit
- Klamath Emergency Service District –911 Communication Center
- City of Klamath Falls - Facility Assessment and Structural Engineering Consultation
- City of Klamath Falls – New Klamath Falls Police Department Headquarters
- City of Talent – Talent Police Department Alterations and Additions
- Klamath County Fire District #1 – New Station 5 Facility Design
- Klamath County School District - Facility Assessment and Structural Engineering Consultation
- Klamath Falls City Schools - On Call District Wide Facility Assessment and Structural Consultation
- City of Coos Bay - City Hall / City Police Station Rehabilitation SRGP Awarded Project

D. Scott Souders, PE, General Manager

ZCS Engineering, Inc.

Professional Registrations

Registered Civil Engineer

Oregon 56137PE
Washington 40680
California C63299

Education

Bachelor of Science,
Civil Engineering Technology
Oregon Institute of Technology
Klamath Falls, Oregon

14 Years of Experience

1/02 – Present
General Manager,
Zbinden-Carter-Souders Engi-
neering, Inc.

6/98 – Present
Project Manager,
Zbinden-Carter Engineering, Inc.

4/96 – 4/98
EIT,
Zbinden-Carter Engineering, Inc.

Biography

In 1997, Scott graduated from the Oregon Institute of Technology with a Bachelor of Science Degree in Civil Engineering Technology. From June 1992 to December 1993, he took time away from college to gain experience in the construction industry where he worked as a carpenter for a large commercial contractor. During this time, he gained knowledge and experience in the construction industry that has served him well in his engineering profession.

During his employment at ZCS Engineering, Scott has been involved in a wide variety of project development in both the civil and structural fields of engineering. He has helped develop a powerful consulting team that provides planning, engineering, and construction management services to architects, building contractors, developers, and municipalities. Scott continually strives to develop and maintain open lines of communication between permitting agencies, contractors, consultants, and owners on all of ZCS Engineering's projects. This philosophy has continually proven to be very beneficial to the firm's success.

Select Project Experience

- hsr architecture – City of Klamath Falls Police Department, Klamath Falls, OR
- hsr architecture – Klamath County Fire District #1, Fire Station #3, Klamath Falls, OR
- Klamath 911 – 911 Emergency Call Center, Klamath Falls, OR
- ORW Architecture – 911 Dispatch Center, Medford, OR
- ORW Architecture – Parkway Fire Station, Grants Pass, OR
- ORW Architecture – Redwood Fire Station, Grants Pass, OR
- ORW Architecture – Jackson County Jail Sally Port, Medford, OR, Construction by Adroit Construction
- S&B James Construction – Kingsley Field Air National Guard, Security Forces Facility, Klamath Falls, OR
- Bogatay Construction – Kingsley Field/Oregon Air National Guard Front Base Entry Facility, Klamath Falls

Leslie Hara Shick, Principal

hsr architecture and master planning, llc.

Licensing:

1983, Licensed Architect, State of Oregon

Education:

1979, University of Oregon,
Bachelor of Architecture

Professional:

1990 to Present, Hara Shick
Architecture, Bend OR

2003 to Present, hsr master
planning and architecture, LLC,
Bend OR

Biography

Leslie works as principal architect of hsr master planning and architecture to provide start to finish services that result in a product that is on time and to the budget and without cost over runs. She works effectively with users, committees, citizens and regulatory agencies to understand the issues and move towards workable solutions. As a principal she guides and oversees all design and planning efforts of hsr.

Leslie believes that listening and responding to client needs is key to providing the service and support each successful project requires. Working with the City of Bend, City of Bend Police, Oregon Parks and Recreation District, Bend Park and Recreation District, Jefferson County, Klamath County, City of Klamath Falls and City of Prineville has deepened her experience and she truly enjoys working with public processes, projects and people.

She understands the importance and meaning public projects provide communities, and works to design timeless, durable and efficient buildings. She is able to clearly convey her architectural designs and intent to owners and users and exceed their expectations.

Select Project Experience

- City of Bend Transit Maintenance and Operations Facility
- City of Bend Waste Water Treatment Remodel
- City of Bend Master Planning Pilot Butte Campus
- Bend Police Station Remodel/Addition
- Bend City Hall and ADA Study
- City of Bend Boyd Acres ADA and Master Planning
- Klamath Falls Police Station
- City of Klamath Falls Master Planning Joint Safety Facility
- Master Planning City of Klamath Falls
- Prineville City Hall
- Prineville Plaza
- Jefferson County Courthouse ADA and Site Improvements
- Jefferson County Parole and Probation
- Jefferson County Annex Remodel-Administrative Services
- Master Planning Jefferson County
- Oregon State Parks & Recreation District
Kam Wah Chung Museum
- Oregon State Parks & Recreation District Sumpter Dredge

John Ralston, NCARB, Principal

hsr architecture and master planning, llc.

Licensing

1983, Licensed Architect, State of Oregon

Licensed in Oregon, Arizona, Washington, Hawaii, and Utah

NCARB Certified

Education

1979, University of Oregon,
Bachelor of Architecture

Professional

1992 to 2007, Ralston Architects,
PC, Beaverton OR

2003 to Present, hsr master
planning and architecture, LLC,
Bend OR

Biography

John Ralston is a partner in hsr, a registered joint venture between Phoenix Architecture and Hara Shick Architecture. As a Principal of hsr, John shares ultimate responsibility for all planning and design services provided by the firm, a responsibility he takes very seriously.

John's insistence on providing the highest level of client satisfaction and project quality sets the tone for the entire firm. It is this prioritizing of client needs which has allowed hsr, and John personally, to maintain a solid base of repeat customers and long standing relationships.

During his twenty-eight years of experience, John has handled projects of all sizes in public works, tenant improvement, retail, industrial, commercial, and residential design, as well as in master planning for commercial and public facilities

The strong cooperative relationships John has built with building officials benefit the firm and its clients, as does his ability to navigate and interpret building codes. John has specialized in understanding the A.D.A. requirements for new and existing construction as well as Title II facilities to guide the client towards proper compliance.

Select Project Experience

- City of Bend Transit Maintenance and Operations Facility
- Bend Police Station-Phase I and Phase II
- City of Bend Waste Water Training Facility
- City of Bend Master Planning Pilot Butte Campus
- Bend City Hall and Boyd Acres ADA Studies
- Klamath Falls Police Station
- Prineville City Hall
- Prineville Plaza
- Prineville Senior Center
- Nike MLK Store-Portland, OR
- Nike Outlet stores throughout the US
- Intel Private Airline Terminal Locations

Scope of Work

Albany Police Station

PHASE I - Programming and Option Studies

Part A-Programming and Needs Assessment

1. **We will confirm and evaluate:**
 - i. Police Station Facility Needs Report prepared by Chief Boyd
 - ii. 2003 Programming - provided by Chief Boyd
 - iii. Deliverable: We will provide a written summary of the Police Station Needs and the 2003 Programming

2. **Programming: We will meet individually with the Police Department representatives and/or staff to determine their current, 20 and 40 year needs for the Police Station including site requirements and spatial relationship diagrams.**
 - i. Deliverable: We will provide a program document including area requirements for current, 20 and 40 year building needs with spatial relationship diagrams and site area requirements.

3. **Proceed to Part B with approval of Part A by Chief Boyd and Mark Shepard.**
 - i. Deliverable: Once approval of Part A is provided, we will develop a timeline to complete Phase 1, Part B services

Part B-Option Studies

We will evaluate development opportunities for each of the following options to meet the current, 20 and 40 year needs for the Albany Police Station. We will pursue each option until it appears that it is not feasible or practical – See Decision Tree. Information to be independently provided by the City of Albany has been identified below.

1. **Based on the information identified in Part A, four options will be studied based on the following:**
 - **Site and Building Evaluation – Location, Site Size and Configuration, Existing Building, Parking and Site Access, Property Acquisition Cost**
 - **Preliminary Traffic Analysis – By City of Albany personnel**
 - **Environmental Level 1 Study – Safeway site and GI Joes site**
 - **Preliminary Geotechnical evaluation using available data for site and soil classification**
 - **Preliminary Civil Study**
 - **Preliminary Architectural Study**
 - **Preliminary Structural Study**
 - **Preliminary Mechanical Study**
 - **Preliminary Electrical Study**
 - **Identify costs and opportunities associated with construction, property acquisition, relocation and development phasing**
 - **Timeline and opportunities for development of each of the options including phasing**

Option 1 – Existing Police Department Site and Facility

- a. We will review the existing Police Department site and determine if it is adequate in size for current, 20 and 40 year building/site needs. If the existing police site is not large enough to meet the current and projected building/site area needs we will determine if adjacent properties are required and the area requirements for the additional property.
- b. We will review the feasibility of remodeling and adding onto the existing police station to meet current and future needs

AND/OR

- c. We will review the feasibility of replacing the existing structure with a new building

Option 2 - Pacific Boulevard Site

We will review the feasibility of building a new Police Department on the Pacific Boulevard Site.

Option 3 - Safeway Building and Site - Pacific and Queen

We understand that the City of Albany owns the Pacific Boulevard site, but wishes to consider the feasibility of selling the Pacific Boulevard Site and using funds from the sale to:

- a. Remodel and/or add onto the existing Safeway building
- b. Replace the existing Safeway structure with a new building
- c. We will take into consideration the cost to acquire the Safeway Property when determining the feasibility of remodeling and adding onto the existing building or demolishing the existing Safeway building and constructing a new police department on the site.

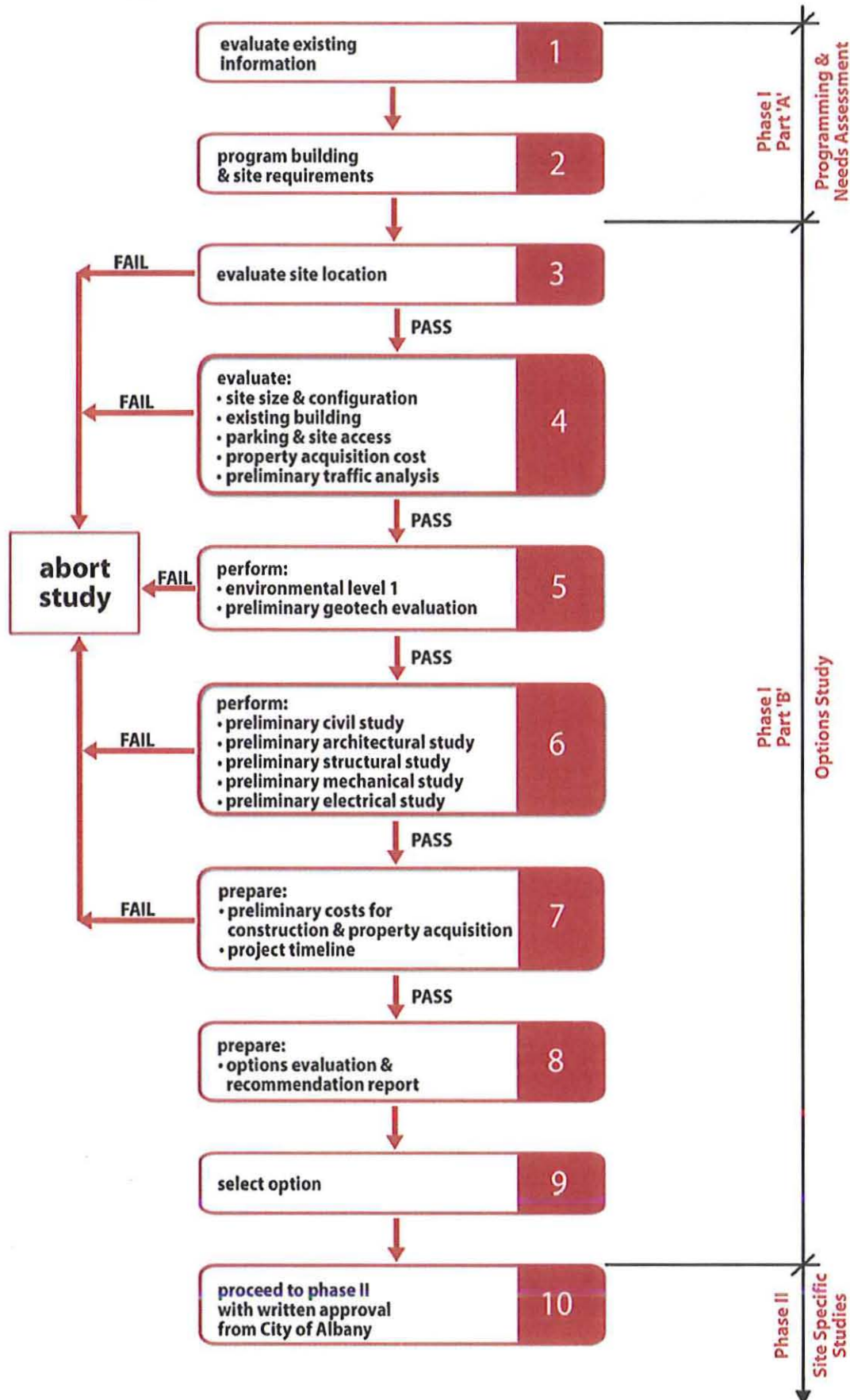
Option 4 - GI Joes Building and Site - 2500 SE 14th

We understand that the City of Albany owns the Pacific Boulevard site, but wishes to consider the feasibility of selling the Pacific Boulevard Site and using funds from the sale to:

- a. Remodel and/or add onto the existing GI Joes building
- b. Replace the existing GI Joes building with a new structure
- c. We will take into consideration the cost to acquire the GI Joes property when determining the feasibility of remodeling and adding onto the existing building or demolishing the existing GI Joes building and constructing a new police department on the site.

2. **Deliverable:** We will prepare a written report evaluating each option and provide a recommendation of the most feasible option for presentation to City Council
3. **Presentation:** We will deliver presentation(s) as required to City Council.

City of Albany Police Facilities Options Study Phase 1 Decision Tree



decision tree

PHASE II - Site Specific Studies

Once an option is selected by City Council and ZCS receives written authorization to proceed, we will provide a detailed study of the selected option which will include the following:

1. Project development cost worksheet
2. Master Planning: Description of the areas and plans for a 40 year build out
3. Master Plan Deliverables – Schematic Design Level
 - i. Site Plan
 - ii. Grading Plan
 - iii. Utilities
4. Schematic Floor Plans
5. Schematic Building Elevations
6. Schematic Design Phase Construction Cost Estimate
7. ALTA Survey and Geotechnical Study
8. Review requirements with Planning, Engineering and Building Departments
9. Review requirements with ODOT
10. Refine preliminary timeline for development

Fees for Phase II services will be established when an Option and specific site requirements are selected.

**Albany Police Department
Department Programming and Facilities Assessment
Summary of Fees**

Task	Description	Task Totals
Ph1A	Programming & Needs Assessment	\$20,020
Ph1A Reimbursables	Reimbursable Expenses	\$4,918
Ph1A Subtotal		\$24,938
Ph1B - Option 1	Extg PD Site and Facility	\$35,795
Ph1B - Option 2	Pacific Boulevard Site	\$13,680
Ph1B - Option 3	Safeway Bldg and Site	\$35,720
Ph1B - Option 4	GI Joes Building and Site	\$35,720
Ph1B - Mtgs/Admin	Meetings & Project Administration	\$12,225
Ph1B Reimbursables	Reimbursable Expenses	\$6,682
Ph1B Subtotal		\$139,822
Total Estimate Fee		\$164,760

The fees noted in the above table are to be considered estimated allowances. It is understood this project will be tracked on a Time & Materials basis and that it may be necessary to adjust individual task allowances as necessary to meet study demands.

**2011 Fee Schedule
ZCS Engineering & hsr architecture**

Hourly Rates ZCS Engineering:

Principal-in-Charge	\$125 ⁰⁰ / hr
Project Manager	\$95 ⁰⁰ / hr
Engineer 1	\$90 ⁰⁰ / hr
Engineer 2	\$80 ⁰⁰ / hr
Engineer 3	\$75 ⁰⁰ / hr
Technician 1	\$70 ⁰⁰ / hr
Technician 2	\$65 ⁰⁰ / hr
CAD Staff	\$60 ⁰⁰ / hr
Administrative Assistant	\$55 ⁰⁰ / hr
Support Staff	\$35 ⁰⁰ / hr

Hourly Rates hsr architecture:

Principal Architect	\$120 ⁰⁰ / hr
CAD Staff	\$50 ⁰⁰ / hr
Administrative Assistant	\$45 ⁰⁰ / hr

- * Subconsultant Fees = Cost +5%
- * All long distance phone & fax services are considered incidental to the above hourly rates. No additional fees are billed for these services.
- * All reproductions and deliveries will be billed as additional services on a time and materials basis.

ZCS and hsr have a philosophy regarding our planning, pre-design, design and construction responsibilities. We believe that public facilities should be "efficient, safe and easy to maintain, with materials and systems that will last." It will be our intent to provide pre-design services to meet these goals.



900 Klamath Avenue
Klamath Falls, OR 97601
541.884.7421 ph
541.883.8804 fax
www.zcsengineering.com



838 NW Bond Street, Suite 2
Bend, OR 97701
541.389.3904 ph
541.383.3904 fax
www.phoenixbend.com



TO: Albany City Council

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

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

DATE: February 14, 2011, for the February 23, 2011, Council Meeting

SUBJECT: Takena Street, Queen Avenue to 12th Avenue

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff requests that Council provide direction concerning what, if any, changes to make to Takena Street.

Background

On October 27, 2010, residents from Takena Street between 12th and Queen Avenues addressed Council concerning on-going issues on the street including vehicle speeds, school zone safety, the narrow road width, and parking issues. Council directed staff to work with residents to develop a list of options for the street, have those options reviewed by the Traffic Safety Commission (TSC), and then bring a recommendation back to Council for consideration.

This section of Takena Street has a 40-foot right-of-way and a curb-to-curb width of 27 feet. Most adjoining lots are developed with single family homes with narrow driveways. There is a four-foot-wide sidewalk together with a two-foot shoulder along the east side of the street. The distance between the curb and right-of-way line is consistent at six feet. The west side of the street has a distance of seven feet between the curb and right-of-way line, with sidewalk widths varying between four feet and five feet. In most cases the landscape strip has been covered in concrete or by stone pavers. The posted speed limit is 25 mph, and a reduced speed school zone began just south of 12th Avenue along the frontage of Takena Elementary School. On-street parking is allowed on both sides of the road. The section of the road south of 14th Avenue has parking restrictions in place that limit on-street parking during week days and school hours. Those restrictions were established years ago as the result of overflow parking demand from West Albany High School students (WAHS).

In 1976 Council adopted a resolution (attached) that allowed parking over the curb along both sides of the road. The action was taken in response to the narrow width of the road. Opposing drivers had a difficult time passing each other when vehicles on opposite sides of the road were parked against the curb.

Staff conducted a speed and volume study on the road on November 2, 2010. The study was taken just south of 14th Avenue, about halfway between 12th Avenue and Queen Avenue. The average driver speed was 20 mph, and the 85th percentile speed was 27 mph. The volume of traffic was 460 ADT.

Review and Recommendation by Neighborhood

Staff hosted a neighborhood meeting for Takena Street residents on November 18, 2010. Four residents volunteered to form a design team to review and develop options for the street with the assistance of City staff. The design team met on December 16, 2010, and again on January 11, 2011. Two changes have already been made on the street as a result of the design

team meetings: the reduced speed school zone for Takena Elementary School has been extended south to 13th Avenue, and the parking restriction signs south of 14th Avenue have been pulled. The change to the boundary of the reduced speed school zone is permanent. The removal of parking restriction signs is a test and was done in an attempt to verify the current level of overflow parking demand generated by WAHS. The school recently expanded its on-site parking facilities and as a result there may well be less spill-over parking demand on Takena Street. It will likely take several months to tell if that is the case or not.

The narrow width of the road combined with on-street parking along both sides and narrow driveway widths have resulted in numerous issues on the road:

- The Council resolution passed in 1976 allowing drivers to park over the curb has not eliminated parking issues along the street. Drivers are occasionally still cited for parking on a sidewalk by officers not familiar with the resolution. In addition, Section 13.21.030 of the Municipal Code specifically prohibits parking on a public sidewalk, as does the Oregon Vehicle Code. Both of those regulations would supersede a Resolution.
- Because of the narrow sidewalk widths along the street, even the most well-intentioned drivers that park over the curb often partially encroach and block the public sidewalk. Staff has visited the street on numerous occasions over the past few months and never failed to observe vehicles along both sides of the street parked over the curb in a manner that partially blocked sidewalks. Because the sidewalks are narrow, even a partial blockage reduces the available sidewalk width below ADA requirements. Any formal action to legitimize the practice would expose the City to serious liability exposure.
- When vehicles are parked on opposite sides of the street, the remaining open pavement (about 13 feet) provides insufficient space for the operation of emergency vehicles. Fire trucks can traverse the street in between parked vehicles, but cannot count on there being space to stop and set up operations in the event of an emergency. Most driveways along the street are narrow and are not placed on the side of the lot next to the neighbor's driveway. As a result, the driveways do not provide "gaps" in parked vehicles that emergency vehicles can take advantage of as occurs on the "skinny streets" currently being constructed in most new developments.

Staff, working with the neighborhood design team, identified four potential options for addressing the parking issues resulting from the narrow width of the street. The options are listed below together with advantages and disadvantages, and are prioritized starting with the neighborhood's preferred options. The first two options were ranked equally by the neighborhood design team.

A-1. *Better identify allowable shoulder parking areas.*

This option would leave the existing curbs along the street in place, but make changes to the shoulder area between the curb and sidewalk in order to better identify the area of the street where shoulder parking is allowable.

Advantages:

- Would better delineate the areas of the street designated for parking and pedestrian use.
- Moderate cost option. Similar result but less expensive than full road reconstruction.
- Might be able to incorporate improvements into a "bike boulevard" project in order to utilize TSDC funds.

Disadvantages:

- Unless violations were rigorously enforced, could result in City and resident ADA-related liability exposure as a result of partially blocked sidewalks.
- Retains narrow vehicle travel width.
- Does not provide adequate road width for the operation of emergency vehicles.

A-2. Restrict parking along one side of the street and prohibit “shoulder” parking

This option would restrict parking along one side of the street in order to provide a wider vehicle travel area. Parking would likely alternate between sides of the street between 12th and Queen Avenues. On-site parking spaces would be added where feasible and desired by property owners.

Advantages:

- Resolves ADA access issues and limits liability exposure of both residents and City.
- Low cost option.
- Might be able to incorporate improvements into a “bike boulevard” project in order to utilize TSDC funds.
- Provides adequate room for the operation of emergency vehicles.

Disadvantages:

- Overall reduction in the amount of available parking along the street.
- Some residents would lose on-street parking in front of their homes.
- Could increase vehicle speeds unless traffic calming features are added to the street.

B. No Action

This option would leave the street width and parking situation on Takena Street as it currently exists.

Advantages:

- Lowest cost option.
- No immediate adverse impact on neighborhood parking.

Disadvantages:

- Does not resolve legal ambiguity concerning the parking of vehicles over the curb along the street.
- Results in City and resident ADA-related liability exposure as a result of blocked sidewalks.
- Retains narrow vehicle travel width.
- Does not provide adequate road width for the operation of emergency vehicles.
- Would not resolve long-standing parking issues and conflicts along the street.

C. Reconstruct and widen the road

This option would widen the curb width of the road by up to five feet in order to provide more room for on-street parking. Sidewalks would be four feet wide and be located immediately behind the curb.

Advantages:

- Would provide increased road width for vehicle travel.
- Would clearly delineate the areas of the street designated for parking and pedestrian use.

Disadvantages:

- Highest cost option – would require reconstruction of all concrete and asphalt improvements along the street together with substantial modification of both the storm drainage and water systems.
- Would require driveway construction on private property in order to match adjusted street/sidewalk grades.
- The increased road width would still not provide adequate space for the operation of emergency vehicles.
- Curbs would need to be a “roll curb” design in order to provide for ADA compliant pedestrian facilities at driveways.

Review and Recommendation by Traffic Safety Commission

The Traffic Safety Commission (TSC) met on February 7, 2011, and reviewed the conditions on Tadena Street and the recommendations of the neighborhood design team. The TSC recommends and supports option A2. The primary reasons for that support were:

- It is the only option that provides sufficient set-up space for emergency vehicle operations.
- It eliminates the need for the City to endorse “over the curb” parking and the ADA liability exposure that would result.
- It was one of the two options favored by the neighborhood design team.

Next Steps: This issue is scheduled for Council discussion and a decision on February 23, 2011. Notice of that meeting has been sent to residents on Tadena Street and some residents may wish to address Council directly on the issue. The next steps in the process will depend on which design option Council favors for the street.

If Council selects option “A1,” staff would work to develop a project scope and cost estimate to better delineate the area of the shoulder where vehicle parking is allowed. That information would be brought back to Council at a later date for a direction concerning project scheduling and funding.

If Council selects option “A2,” staff will begin work with the neighborhood to develop a plan to remove parking along one side of the street and verify which residents’ desire construction of on-site parking pads or widened driveways. Once those details are worked out staff would bring the project back to Council for approval of a resolution authorizing removal of on-street parking and identification of a funding source for the project. If speed humps and/or other traffic calming

improvements were part of the project (the neighborhood design team supported that concept) there would be an option to use TSDC funds from TSP project B12.

If Council selects option "B," no further action will be undertaken in the near future. If the neighborhood decides that the "test" removal of parking restrictions on the south end of the block has been successful, there will be a resolution brought forward to rescind the parking restrictions.

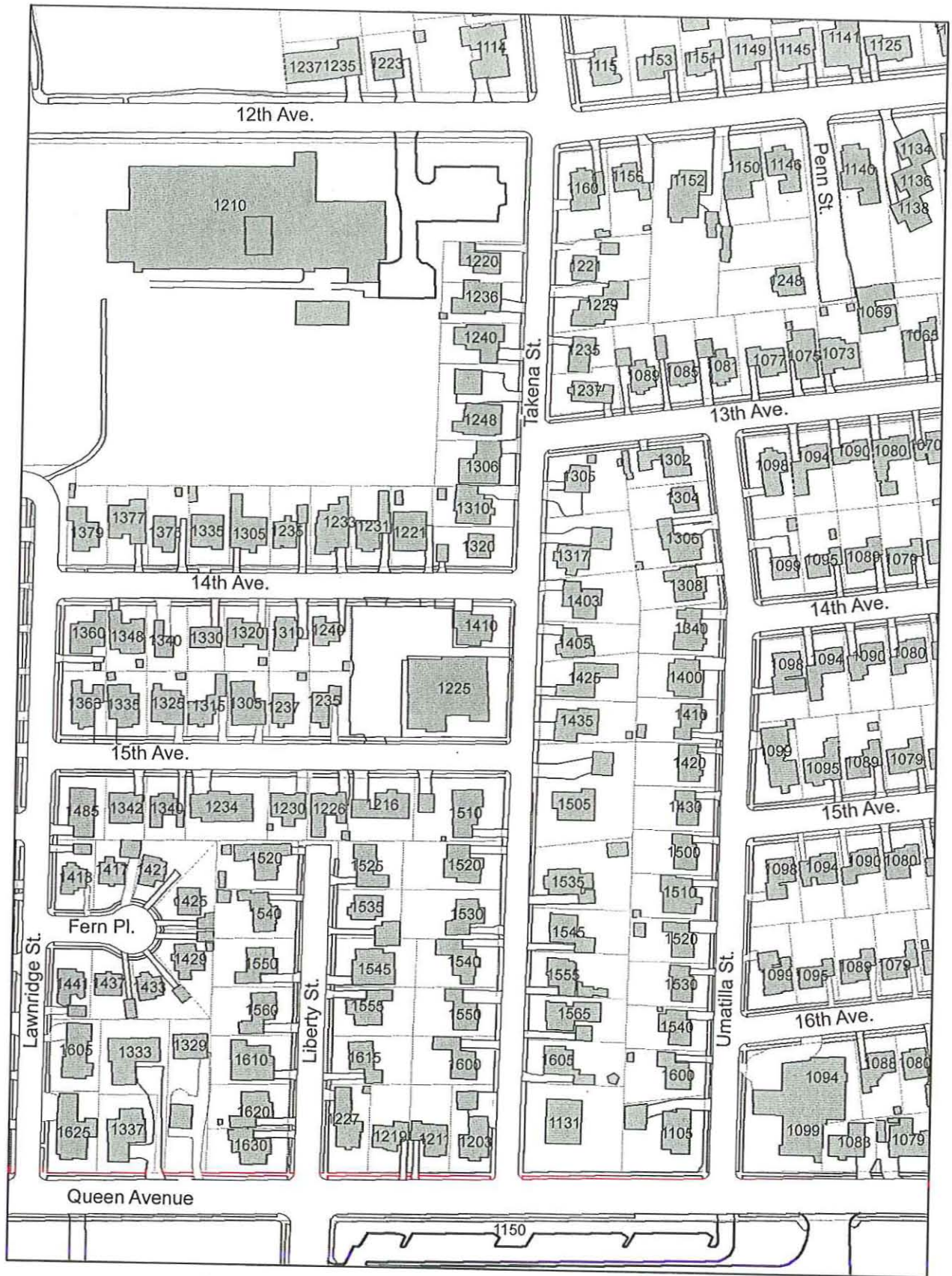
If Council selects option "C," direction would need to be provided regarding the timing and funding source for the project.

Budget Impact:

The budget impact will vary depending upon the design option selected for the street.

RGI:prj

Attachment (3)



Takeda Street - Queen to 12th


RESOLUTION NO. 1790

WHEREAS, the Albany Parking and Safety Commission has met for study and recommends the following action be taken,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Albany City Council that the following recommendations be adopted:

1. That parking be allowed over the curb and on the 2' parking strip to continue to allow parking on both sides of Tadena Street between Queen and 12th Avenues.
2. That parking be eliminated for 20' back from the properties of both Queen and Tadena Streets at this intersection.
3. That parking be eliminated on the east side of Pacific Blvd. from 34th southerly for 350 feet.

DATED this 9th day of June, 1976.



Mayor

ATTEST:



City Recorder



February 9, 2011

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

541-917-7500

**CITY MANAGER/
ECONOMIC DEVELOPMENT/
URBAN RENEWAL**
541-917-7500
FAX 541-917-7511

FINANCE
Finance/Recorder
541-917-7500
FAX 541-917-7511

Municipal Court
541-917-7740
FAX 541-917-7748

**COMMUNITY
DEVELOPMENT**
Planning
541-917-7550
FAX 541-917-7598

Building Division
541-917-7553
FAX 541-917-7598

FIRE ADMINISTRATION
541-917-7700
FAX 541-917-7716

HUMAN RESOURCES
541-917-7500
FAX 541-704-2324

INFORMATION TECHNOLOGY
221 Third Avenue SW
541-917-7500
FAX 541-791-0075

PUBLIC WORKS
Engineering
541-917-7676
FAX 541-917-7573

Water/Sewer Billing
541-917-7547
FAX 541-917-7794

Call-A-Ride
541-917-7770
FAX 541-812-2571
TDD 541-917-7762

Transit
541-917-7667
FAX 541-812-2571

«OwnerFirst» «OWNERLAST»
«OWNER3»
«ADDRESS»
«CITY», «STATE» «ZIP»

Dear «OwnerFirst»:

TAKENA STREET PARKING

On February 23, 2011, the Albany City Council will consider possible changes to street improvements and on-street parking regulations on Takena Street. The discussion will take place at City Hall during a Council meeting scheduled to begin at 7:15 pm.

Residents from Takena Street brought several concerns about the street to Council in October of 2010. Concerns were expressed about vehicle speeds, school zone safety, the narrow road width, parking issues, and the ability of the street to accommodate emergency vehicles such as fire trucks. Council directed City staff to work with residents to develop options for the street, have those options reviewed by the Traffic Safety Commission, and bring the results back to Council for consideration. As a result of that direction a neighborhood meeting was held November of 2010, and a group of residents volunteered to serve on a design team for the street. The resident design team held meetings in December and January. Two changes have already been made on the street as a result of those meetings: the reduced speed school zone for Takena Elementary School has been extended south to 13th Avenue, and the parking restriction signs south of 14th Avenue have been removed. The change to the boundary of the reduced speed school zone is permanent. The removal of the parking signs is a test and was done in an attempt to verify the current level of overflow parking demand generated by West Albany High School.

The design team also identified and prioritized four options for addressing the parking and emergency vehicle problems resulting from the narrow road width. The options are listed below in order of preference. The first two options were ranked equally by the design team. An attachment to this letter lists the advantages and disadvantages of each of the options.

A1) Better identify allowable shoulder parking areas. This option would leave the existing curbs along the street in place, but make changes to the shoulder area between the curb and sidewalk to better identify the area of the street where shoulder parking is allowable.

A2) Restrict parking along one side of the street and prohibit "shoulder parking." This option would restrict parking along one side of the street in order to provide a wider vehicle travel area. Parking would likely alternate between sides of the street

February 9, 2011

between 12th and Queen Avenues. On-site parking spaces would be added where feasible and desired by property owners.

B) *No action*. This option would leave the street width and parking situation on Takena Street as it currently exists.

C) *Reconstruct and widen the road*. This option would widen the curb width of the road by up to five feet to provide more room for on-street parking. Sidewalks would be four feet wide and be located immediately behind the curb.

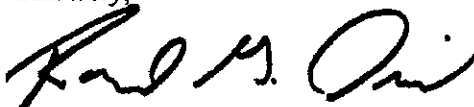
The Traffic Safety Commission met on February 7, 2011, and reviewed the options and recommendations developed by the neighborhood design team. The commission's recommendation to Council is for option "A2" -- removal of parking along one side of the road. The primary reasons for the commission's support of that option are:

- It is the only option that provides sufficient set-up spaces for emergency vehicle operations.
- It eliminates the need for "over the curb" parking and the American with Disabilities Act exposure and liability that results.
- It was one of the two options favored by the neighborhood design team.

Residents on Takena Street will have the opportunity to address and provide comments and input to the Council regarding possible changes to the street during the meeting on February 23, 2011. Written comments submitted in advance will also be provided to the Council. A copy of the full staff report prepared for Council on the issue will be posted on the City's website several days in advance of the meeting. Albany's website address is www.cityofalbany.net.

If you have questions or concerns regarding this issue, please let me know. I can be reached at (541) 917-7656 or by e-mail at ron.irish@cityofalbany.net.

Sincerely,



Ron Irish
Transportation Systems Analyst

RGI:prj
Enclosure



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: James V.B. Delapoer
DATE: February 17, 2011, for the February 23, 2011, City Council Meeting
SUBJECT: Reconsideration of Dangerous Dog Ordinance
RELATES TO STRATEGIC PLAN THEME: • A Safe City

Councilor Olsen asked me to prepare an ordinance revising the current provision of the Municipal Code which mandates euthanasia for a dangerous dog. I have provided the accompanying ordinance at his direction for the Council's review.

The existing ordinance does not provide the judge with any discretion concerning the disposition of a dog that has been determined to be dangerous. Euthanasia is required in all cases. The revision would allow the dog's owner to present an alternative proposal to the judge which could be adopted if all of the criteria in the ordinance are met. The criteria essentially requires that the dog's owner pay all of the costs of impoundment and propose an alternative disposition which will satisfy the judge that the dog is not likely to reoffend. The terms of the alternative order may be different in each case based upon the characteristics of the dog and the corrective action necessary.

In all cases, however, the burden will be on the dog's owner to satisfy the Court that the dog will not be a danger to the public. While not meaning to advocate either for or against this ordinance change, it should not be a surprise to the Council that I believe that Judge Scott has the judgment and experience to wisely review any alternative proposal.

The ordinance goes on to provide that if the dog comes back to the city of Albany, that it is a violation of the order, the dog will be impounded and, following a hearing, euthanized.

I appreciate Councilor Olsen giving me the opportunity to propose a change that I believe to be procedurally sound. This revision has been considered by the City Manager and the Chief of Police and their comments have been incorporated into the draft.

JVBD:bd
Attachment
c: Ed Boyd, Chief of Police

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 6.18.050 TO MODIFY THE CONSEQUENCES OF A DETERMINATION THAT A DOG HAS BEEN FOUND TO BE DANGEROUS AND ADDING ALBANY MUNICIPAL CODE CHAPTER 6.18.080, VIOLATION OF ALTERNATIVE ORDER, AND DECLARING AN EMERGENCY

WHEREAS, AMC 6.18.050 currently provides that any dog that has been found to be a dangerous dog must be euthanized; and

WHEREAS, professional training, changes in the dog's ownership, care, supervision, control, housing, confinement, or other circumstances may prevent a dangerous dog from repeating the behavior from which the classification resulted without the need for euthanasia; and

WHEREAS, the owner or person in control of a dangerous dog should bear the burden of proving that feasible alternatives to euthanasia exist that will make a re-offense unlikely.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMC 6.18.050 is amended to read as follows:

6.18.050 Consequence of a determination that a dog is dangerous ~~Euthanasia for dangerous dogs.~~

1. **Unless an alternative disposition is adopted pursuant to the provisions of Section 2 below**, any dog that has been found to be a dangerous dog shall be euthanized. If a dog is euthanized by a licensed veterinarian, the veterinarian shall certify to the City of Albany that the dog has been euthanized.
2. **At the hearing called for in AMC 6.18.030(3) to review the director's decision to classify a dog as dangerous, the owner or person in control of the dog may propose an alternative to euthanasia ("alternative" or "alternative order") in the event that the hearings officer affirms the director's classification of the dog as dangerous. The alternative may only be accepted by the hearings officer as an alternative to euthanasia in the event that the hearings officer determines that, based upon substantial evidence in the record, all of the following conditions have been met:**
 - (a) **All costs associated with the impoundment of the dog pending adjudication as provided at 6.18.070 have been paid; and**
 - (b) **The alternative will have no additional costs to the City; and**
 - (c) **The alternative shall include specific conditions concerning the future care, control, and supervision of the dog which satisfies the hearings officer that the dog is unlikely to keep the behavior upon which a classification as potentially dangerous or dangerous was or could have been based. Removal from the city limits, without more, shall not satisfy these criteria.**
3. **In the course of presenting an alternative as called for in Section 2 above, the burden of proof shall rest with the owner or person in control of the dog.**
4. **If an alternative is adopted for a dangerous dog, all of the terms thereof shall be incorporated into a written order.**

Section 2: AMC 6.18.080 is added to read as follows:

6.18.080 Violation of alternative order.

1. It shall be unlawful for any person having ownership or control of a dog previously determined to be dangerous as provided herein to keep or possess the dog within the city in violation of an alternative order as called for in AMC 6.18.050(4).
2. Any dog present in the city of Albany which appears to be in violation of an alternative order as set forth in AMC 6.18.050(4) shall be impounded pending a determination as to whether or not the conditions of the alternative order referred to above have been violated.
3. The director shall determine whether the dog has been present in the city of Albany in violation of the terms of the alternative order. The determination shall be based upon a reasonable investigation.
4. The director shall give the dog's owner or person in control or possession written notice by certified mail or personal service of the dog's impoundment and the alleged violations of the alternative order. If the owner believes that the director's determination is in error, the owner may appeal the director's decision to the hearing officer by filing with the director a written request for hearing. The request for hearing must be received by the director within ten (10) days of the following, whichever occurs first: (a) the date of mailing of the notice to the owner, by certified mail; (b) the date the notice was personally served upon the owner; or (c) the date when the owner acquired actual knowledge of the information required to be contained in the notice.
5. The hearings officer shall hold a hearing on any appeal of the director's decision that the terms of the alternative order have been violated and this shall be the sole issue to be determined by the hearings officer. The hearings officer shall issue an order concerning his/her determination concerning whether the alternative order was violated and his/her determination shall be final.
6. Any dog that has been found to be present in the city of Albany in violation of the terms of an alternative order shall be euthanized.
7. If a dog is found to be present in the city of Albany in violation of an alternative order, the dog's owner or person in control shall pay to the City all costs incurred in the dog's impoundment, euthanasia, and disposal.

Section 3: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

ATTEST:

City Clerk