

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, May 14, 2014
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Albany Visitors Association – package travel.

Albany Visitors Association (AVA) Executive Director Jimmie Lucht gave a PowerPoint presentation on travel in the Willamette Valley and Oregon (see agenda file).

Melody Johnson, AVA, gave a PowerPoint presentation that focused on package travel (see agenda file).

Johnson passed out a file folder containing several tourism-related documents and a jump drive containing several other documents (see agenda file).

Konopa thanked Johnson and Lucht for their work. She said Johnson visited the sites that will be used in the travel packages to make sure the trips would go well.

Councilor Dick Olsen asked if there was a need for more hotels/motels in Albany. Lucht said, not at this point.

Helping Hands.

Helping Hands (HH) President Bill Lane introduced board members John Donovan, Tina Carr, and Emerson Smoker, Sr. Lane said that during the HH Thrift Store Mother's Day sale, a man stopped by to say thank you to HH. He had been addicted and down on his luck with nowhere to go a few years ago, and the HH shelter took him in. The man said that thanks to the programs HH offers, he now has a good job and is doing very well and wanted to thank the HH.

Lane thanked the Council for the money that had been loaned by the City. HH paid the City back \$150,000 for the 2007 loan. Lane said the money went a long way in housing and sheltering the homeless.

Lane said, may HH and the Council continue to work together as a team. He said, we are in battle with homelessness.

Konopa said that HH is a vital resource in the community and provides a needed service. It alleviates a lot of the City's concerns. She pointed out that it is not just shelter, but also does case management to help the homeless move towards self-reliance. Not many shelters provide those kinds of programs.

Finance Director Stewart Taylor said the City Council met with HH in March to discuss provisions to modify the terms of the loan to facilitate the payoff this evening. He asked if the Council would consider making a motion to formally accept this payment as payment in full for the two loans.

MOTION: Councilor Rich Kellum moved to accept the payment from Helping Hands as payment in full for loans owed to the City of Albany. Councilor Ray Kopczynski seconded the motion and it passed 6-0.

PROCLAMATIONS

Mental Health Month.

Konopa read the Mental Health Proclamation in the agenda packet.

Konopa said the Heart to Heart resource fair is tomorrow. She said Heart to Heart is a wonderful resource group.

Preservation Month.

Konopa read the Preservation Month Proclamation in the agenda packet.

Planner II Anne Catlin said that in two weeks the preservation awards will be distributed at a Council meeting. There have been several ongoing activities in the community; the AVA has a brochure on their website that describes the events.

Catlin reported there was a good turnout for the 2014 Oregon Heritage Conference, which drew a couple hundred people to Albany for three days. Konopa said she heard great comments from the attendees.

Public Works Week.

Konopa read the Public Works Week Proclamation in the agenda packet.

Konopa expressed appreciation for Public Works staff and the work they do for the citizens of Albany.

SCHEDULED BUSINESS

Communication

Accepting Javier Cervantes' resignation from the Community Development Commission.

MOTION: Councilor Floyd Collins moved to accept Javier Cervantes' resignation and send a thank you letter. Kellum seconded the motion and it passed 6-0.

Business from the Public

There was none.

First Reading of Ordinances

Levying assessments against property specially benefited by sewer and water connections and the assessment of Sewer, Water, Parks, and Transportation System Development Charges for property described as Tax Lot 2400, parcel 11S-03W-09DC, and site address 2071 Spicer Wayside SE, and declaring an emergency.

City Attorney Jim Delapoe read the ordinance for the first time in title only: "AN ORDINANCE TO LEVY ASSESSMENTS AGAINST PROPERTY SPECIALLY BENEFITED BY SEWER AND WATER CONNECTIONS AND THE ASSESSMENT OF SEWER, WATER, PARKS, AND TRANSPORTATION SYSTEM DEVELOPMENT CHARGES FOR PROPERTY DESCRIBED AS TAX LOT 2400, OF PARCEL 11S 03W 09DC, AND SITE ADDRESS 2071 SPICER WAYSIDE SE; AND DECLARING AN EMERGENCY."

MOTION: Councilor Bill Coburn moved to have the ordinance read a second time in title only. Kopczynski seconded the motion and it passed 6-0.

Delapoe read the ordinance for a second time in title only.

MOTION: Coburn moved to adopt the ordinance and Collins seconded it.

Kellum asked if the property is outside the city limits. Konopa said it is inside the city limits. Circle Drive is not annexed in.

VOTE: A vote was taken on the motion to adopt the ordinance and it passed 6-0 and was designated Ordinance No. 5834.

Amending the Albany Municipal Code Title 7 by amending Chapter 7.90 previously titled buying and selling used jewelry, gem stones, and silverware and retitling it to secondhand dealers and transient merchants, and declaring an emergency.

Konopa said this item has been pulled from this agenda. It will be discussed at a meeting scheduled for Monday, June 2, at 7:00 p.m.

Amending the Albany Municipal Code Title 7 by adding a new Section 300 to Chapter 7.84 entitled improper use of transit shelters and declaring an emergency.

Delapoe read the ordinance for the first time in title only: "AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE TITLE 7 BY ADDING A NEW SECTION 300 TO CHAPTER 7.84 ENTITLED IMPROPER USE OF TRANSIT SHELTERS AND DECLARING AN EMERGENCY."

MOTION: Kopczynski moved to have the ordinance read for a second time in title only. Kellum seconded the motion and it passed 6-0.

Delapoer read the ordinance for the second time in title only.

Coburn said that he mentioned at the Work Session that this ordinance is overreaching and extreme. He has reviewed it again and it still bothers him. He noted that the second “WHEREAS” statement on page 23 of the agenda packet states that the persons must have tickets, and the third “WHEREAS” statement prohibits certain actions even by ticket holders. He gave several examples of legitimate transportation users that may be in violation of the proposed ordinance. Coburn recalled that at the Work Session it was pointed out that the target of the ordinance is not the people in his examples, but his concern is that then it is an ordinance that is selectively enforced. He doesn’t know the history behind the proposed ordinance and said he wonders if simple signage at the shelters has been tried. He thinks there may be unintended consequences. He said it seems they have leapt past several other options about how the problem could be dealt with.

Delapoer said that Coburn brings up a good point; he generally does discourage the Council from imposing ordinances that require selective enforcement. He explained that he is suggesting reasonable discretion in interpreting whether or not a person violated the ordinance. He agrees that this should not be enforced based upon who it is or what they look like. If they enforce uniformly it will no doubt impact law abiding citizens. Unfortunately, the problem is so significant that they cannot prevent the abuse evenhandedly without also inconveniencing citizens. Delapoer said sometimes the problem is so extreme that it may be worth the pain to mitigate the harm; that is a political decision for the Council to make. It is the intent of the City Attorney’s office to encourage even enforcement, even when it will impact a law-abiding citizen so that they can keep those people who are abusing the use of the shelters and frightening patrons, away from the shelters.

City Manager Wes Hare said this ordinance wasn’t directed at preventing people from using the shelters to duck out of the rain or other examples that Coburn gave; it is directed at those people who are camping out in bus shelters. There are enough people that do camp out that they infringe upon those who need the bus shelters for their intended purpose. This ordinance gives the police a tool to address the fairly significant number of complaints they get about people who camp out in transit shelters.

Delapoer said the police have already tried less intrusive methods to encourage them to move on. Unfortunately, there is a small percentage of the population creating a large percentage of the problems. Delapoer said those folks know, or learn very quickly, when the police can or cannot compel behavior. Discussion followed.

Delapoer cautioned that making exceptions in the ordinance may make it more difficult to enforce. If behavior is criminalized as a misdemeanor, then he has the burden of proof and it makes it more difficult to prove his case. He gave some examples.

Collins asked what other communities that have much larger transit systems do. He understands the problem, but appreciates Coburn’s concerns about the unintended consequences. Delapoer said this ordinance language came from Metro, which is the largest bus transportation system in the state. He pointed out that there is no urgency, so the Council could discuss it further or explore other ways to mitigate the harm. Discussion followed.

Delapoer said the Council could adopt the ordinance and direct staff to bring a back report that summarizes how it is working, including surveying the bus patrons to get their input. Delapoer said if it’s not working they can always repeal it.

Kopczynski supports the ordinance because, by its design and intent, it mitigates unwanted activities in the bus shelters. He supports the police using selective enforcement.

Councilor Bessie Johnson asked how this ordinance would impact the benches at the train station. Discussion followed.

Police Chief Mario Lattanzio said the police have taken action to mitigate the problem. They pulled out the benches, but that made it worse because then the campers in the shelters just had more space. Hare said they also put cameras up because they got so many complaints about people living in the bus shelters.

MOTION: Kopczynski moved to adopt the ordinance and Johnson seconded it.

Collins wants Public Works to put the benches back, do some more education, and try signage. He also suggested using benches with arm rests or other features that make them uncomfortable for sleeping. Johnson wants a report after 2-3 months to see how it is working out.

VOTE: A vote was taken on the motion to adopt the ordinance and it passed 4-3, with Olsen, Kellum, and Coburn voting no, and was designated Ordinance No. 5835.

Adoption of Resolutions

Directing the use of litigation settlement proceeds for development of a request for proposals to prepare a preliminary design for a downtown fire station.

Cochair Dave Burright said he would be giving an update on the on the Public Safety Facilities Review Committee (PSFRC). Burright thanked Public Information Officer/Management Assistant Marilyn Smith for her

work for the PSFRC; he said she is great to work with. Burrigh said he and Cochair Frank Morse originally intended to wait until they had an entire package ready before coming to the Council, but some weeks ago as the PSFRC worked on the fire facility, they came to a consensus to move forward with the conceptual drawings and a cost estimate. Knowing that it could take several months, he spoke with Hare and asked him to notify the Council.

Burrigh said the Fire Department recommendation is in the agenda packet. The Council will likely get two more recommendations, one for the police facility and also a conglomeration of issues relating to both facilities. Burrigh said it was important to the PSFRC that the public did not think the Council was taking action without hearing from the Committee. The Council action requested tonight is in line with the PSFRC recommendations. Burrigh appreciates the Council's support.

Collins thanked the Cochairs for taking this task on; it involved more hours and is more difficult than he anticipated when he asked them to Cochair. Collins has attended a few of the meetings and is impressed with the process the Committee uses to reach consensus.

Collins asked Burrigh, what is the expectation of the PSFRC in reviewing the Request For Proposal (RFP)? Burrigh said they just want to see it to be sure it encompasses what they want. They would like to see it before it goes out. After the drawings are back, they would like to be involved at least to the extent that the public is involved, for example, when showing the drawings to the public or asking for public input. It would also be very good if the Council could have the Committee take one last look when they get the drawings and cost estimates back.

Collins said there are a couple of processes that the Committee hasn't looked at. One is public participation in addition to the Committee work, and the other is, particularly on the fire station, to have a couple meetings with the Landmarks Advisory Committee (LAC); that should also be included in the scope of the RFP. Burrigh said he doesn't see a problem with that; they know they are dealing with a historical building. Collins said another consideration is how to structure the RFP, particularly if the police facility will be done soon. He could see offering three options: the fire facility, the police facility, or both if that might prove to be a better deal. Collins asked if the PSFRC has an opinion about that method. Burrigh said he doesn't recall them addressing that, though he pointed out that they may or may not want the same designer for both facilities. Collins said that is why three options would be useful and could present economies of scale.

Konopa pointed out that not all architects are experienced in historical buildings, so that should be included in the RFP. The right architect will be crucial so the building can fit in to the historic downtown. Discussion followed about historic buildings.

Kopczynski asked if they are limiting the dollar amount for the RFP since it is coming out of the litigation settlement funds. Collins said they won't know the costs until the proposals are submitted. Hare said a very rough guess is not more than \$200,000. Collins said a lot of the work would have been done as part of the preliminary process anyway, so it is not duplication or wasted effort; it just comes at a different step in the process. Burrigh agreed; this work would need to be done anyway and the PSFRC feels strongly that the public needs to see what it will look like. Hare said they really won't know the cost until the RFPs come in.

Johnson thanked Burrigh and Morse for their dedication and commitment to the Committee. It turned out to be a lot more work than they originally thought. It is good for Albany that Burrigh and Morse are taking their personal time to do this.

Olsen asked how long it will take. He heard that interest rates are going back up. Hare said there is no way to predict interest rates, though they are still fairly low and slowly rising. Hare said a bigger concern is the rising cost of construction, something he has heard across the board. It will take time to construct, put out for bid, and then review the RFPs. Discussion followed.

Burrigh said this is work that would have to be done anyway, even if they had cash on hand. It is a typical part of the process to design a building, so it is not wasted time from that perspective. If the Committee approves the recommendation that has already been drafted at the meeting tomorrow night, they will have a similar recommendation for the police facility with the caveat that a lot of things have changed in the police department since the last design document was done. They are recommending another review which might result in a recommendation for reduced square footage.

Olsen asked, since they will be using money from the litigation settlement funds, would it be paid back? Hare said that would be a Council decision. Originally, the Council voted to make those funds available for this project but the Council could choose not to use them and ask for a larger bond amount. Olsen prefers the funds be paid back.

Kellum is concerned about the LAC being involved anymore than just being advisors since the fire station is coming down no matter what. Hare agreed, although the old Dodge garage is considered a contributing historic structure. Hare doesn't think there will be an issue. Discussion followed about the LAC's level of involvement.

Coburn is concerned about the money. He supports the design-build concept, such as the Samaritan Hospice building. He said in his opinion, he doubts they spent \$200,000 on conceptual design for that particular building.

In considering what is needed for the new fire station, the historic factor would merely apply to the façade. He thinks one factor they should focus on, since this is litigation settlement proceeds, is to figure out a way to limit the RFP to local architects only. They would need to have some experience in historical structures or they could hire someone to assist them with that element if needed. Coburn said he thinks they can make that limit since it is settlement funds. Delapoer said that is not correct; the law regarding public contracting is the same regardless of the source of the money.

MOTION: Kopczynski moved to adopt the resolution and Collins seconded it. The motion passed 6-0 and was designated Resolution No. 6320.

Collins asked that staff please move this through the RFP process quickly.

Community Development Block Grant Plans.

Catlin said there were no further comments from the public since the last meeting. She pointed out a correction on page 86 of the agenda packet (page 22 of the 2015 Annual Action Plan); the Jackson Youth Shelter has two projects and the one listed here should say "Street Outreach and Case Management for At Risk Youth." She distributed a page with the corrected verbiage (see agenda file).

Delapoer said since the resolutions all relate to same issue and are not ordinances they can be adopted at the same time.

- a) Amending Albany's Community Development Block Grant Annual Action Plan for Fiscal Year 2014 as adopted by Resolution No. 6257. RES. NO. 6321
- b) Adopting Albany's Annual Action Plan for Fiscal Year 2015 for Community Development Block Grant Programs as required by the U.S. Department of Housing and Urban Development (HUD). RES. NO. 6322
- c) Adopting Albany's analysis of impediments to Fair Housing Choice and Fair Housing Plan as required by HUD. RES. NO. 6323
- d) Adopting Albany's Citizen Participation Plan as required by the Community Development Block Grant Program administered by HUD. RES. NO. 6324

MOTION: Collins moved to adopt the resolutions listed under 6.d. 2) a-d on the agenda, with the amendment to page 22 of the 2015 Annual Action Plan (item b)). Olsen seconded the motion and it passed 6-0.

- e) Authorizing the Mayor to sign the certifying documents as required by HUD.

MOTION: Collins moved to authorize the Mayor to sign the documents. Kopczynski seconded the motion and it passed 6-0.

Konopa thanked Catlin for the work she has done on these projects. It has been a new experience working with HUD and Catlin has done a lot of community outreach as well.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) March 10, 2014, City Council Work Session.
 - b) March 12, 2014, City Council Regular Session.
 - c) March 24, 2014, City Council Work Session.
- 2) Approving a liquor license for The Growler Garage & Tap House, 229 Third Avenue SW.
- 3) Approving annual liquor licenses.

MOTION: Collins moved to adopt the Consent Calendar as presented. Kopczynski seconded the motion and it passed 6-0.

Award of Bids

ST-14-02, Center Street and 16th Avenue Rehabilitation.

Assistant Public Works Director/City Engineer Jeff Blaine said there are two bid awards tonight. He noted that they are seeing the costs increase on recent bids. Staff needs to start adjusting their engineering estimates given the construction climate. The upside is that it is likely a sign of a recovering economy; the downside is that construction costs are going up.

Blaine gave the range of bids. Staff recommends the low bidder, Pacific Excavation of Eugene.

Konopa asked if the speed bumps would be reinstalled after the construction is over. She is concerned that the neighborhood would request they remain intact.

MOTION: Collins moved to award the contract in the amount of \$455,526 to Pacific Excavation and Kellum seconded it.

Coburn spoke to the speed bumps; he was contacted by a citizen who asked him to drive down Center Street over the speed bumps because he thought that some of them are higher than they should be. The citizen thought they should be able to drive at the speed limit over the bumps without hitting their head on the ceiling of their car. Coburn said he doesn't have a problem with the speed bumps going back in, but he wants staff to make sure the design is correct. It depends on the goal of the bumps; if they are to slow traffic down or if they should be able to drive the speed limit. Blaine said any speed bumps impacted by the project would go back in to current design standards; he will double check.

Johnson said that most neighbors want the speed bumps there for traffic calming. Discussion followed.

Collins discussed the 7% Engineering News Read index and what it means. When things are on the rise, time costs money.

VOTE: A vote was taken on the motion and it passed 6-0.

BR-12-02, Belmont Culvert Emergency Repairs.

Blaine said this is a necessary repair following January 2012 storm event. It was a 50-year event and caused damage throughout town, including wiping out this culvert. Blaine said President Obama declared the storm event a major disaster which allowed the City to get help from Federal Emergency Management Agency (FEMA) for repairs. FEMA will pay up to 75% of total project cost. Staff recommends awarding the bid to the low bidder, North Santiam Paving of Stayton.

Hare said this project was raised by a citizen at a public meeting; the person was very critical of how long this project was taking. The event happened over two years ago, but staff had the bridge back in operation within weeks thanks to a good partnership with Benton County. Staff has been able to get a fair amount of federal funding so that the local community does not have to bear the full cost, and the replacement structure will be a significant improvement over what it had been prior to the event. Hare said that rather than this being used as an example of a bad or failed project, he commends Public Works for good work all the way around in making sure the neighbors were not inconvenienced, finding a cost-effective solution, and meeting the long list of federal requirements.

Blaine thanked Benton County for their assistance after the event. They immediately offered supplies, staff, and equipment to get the road opened with a temporary bridge at no cost for the loaned bridge components and only actual cost for staff and equipment rental time.

Kellum described his frustration with state and federal permitting requirements.

MOTION: Collins moved to award the contract in the amount of \$484,100 to North Santiam Paving. Kopczynski seconded the motion and it passed 6-0.

Appointments

Appointing Chris Equinoa to the Community Development Commission.

MOTION: Johnson moved to approve the appointment of Chris Equinoa to the Community Development Commission. Olsen seconded the motion and it passed 6-0.

Appointing Wendy Ezell to the Planning Commission.

MOTION: Johnson moved to approve the appointment of Wendy Ezell to the Planning Commission. Coburn seconded the motion and it passed 6-0.

Appointing Anne Taleff to the Library Board.

MOTION: Olsen moved to approve the appointment Anne Taleff to the Library Board. Kopczynski seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Coburn said he shares Kellum's frustration with regulations. He said, for example, he has lost track of how many times the regulations for wheelchair ramps have been changed during his career. He gave some examples of vendors trying to meet the highly complicated requirements.

Coburn said he saw the City had transit stop improvements out for bid. He noticed on the plan center that the City of Albany had a lot of projects out for bid. There might be value in including the notifications every two weeks for projects that are out for bid. He said, it is encouraging that we have money and it also helps the Councilors to be more knowledgeable about what is happening in their neighborhoods.

Kellum said his friend took a Willamalane tour bus trip. The tour bus visited EE Wilson and Talking Water Gardens, and stopped in Brownsville to eat. There were about 25 participants, mostly retired. Discussion followed.

Konopa said the hoteliers came to the Monday Work Session. There were lots of assumptions and misinformation in the letter they handed out to the Council at that Work Session. Konopa said she and Parks & Recreation Director Ed Hodney met with the hoteliers this afternoon to address their concerns. It was very productive and they were able to share the big picture and history involved in Transient Lodging Tax (TLT.) Konopa said it was agreed that the Expo Center, hoteliers, AVA, and Parks & Recreation will get together periodically to discuss what the gaps are and what the opportunities are to enhance tourism or if they need to redirect focus. A group used to meet in the past, called the “Five Js”, so this is a way to bring that back. The issues in their letter have all been addressed.

Collins said they raised the issue of the “Five Js” which involved representatives in economic tourism. That group was meeting to focus on a marketing strategy. It was a self-selected group that kept scheduling meetings, but nobody showed. Collins said, if people are going to complain, they need to be willing to participate. Collins said before the meeting was over Lucht scheduled some meetings. Collins is pleased to hear the hoteliers are interested again. Discussion followed about the groups that will be convening and their goals.

Smith said the Big Pick Up is scheduled for Saturday, May 31, at West Albany High School.

NEXT MEETING DATE: Regular Session: May 28, 2014

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director