

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 24, 2014
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 Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors absent: Councilor Bill Coburn (excused)

BUSINESS FROM THE PUBLIC

There was none.

MUNICIPAL COURT ANNUAL REPORT

Municipal Court Judge Robert Scott drew attention to “Albany Municipal Court Judge’s Annual Report for the Calendar Year 2013” [see agenda file]. He said that the figures in the report are self-explanatory. There was a reduction in traffic violations and total cases filed in Municipal Court between 2008 and 2012, and a modest but significant reversal of that downward trend in 2013. While there is no hard data, his perception is that there appears to be a stronger police presence in the City than there was a year ago, and it is his opinion that is the reason for the recent increase in violations. He believes that rigorous enforcement of traffic violations will save accidents.

Scott said there was an increase in criminal cases last year, some of which were due to the new ordinance related to possession of alcohol in public. Shortly after Police Chief Lattanzio came to the City, he set up meetings with City and Linn County personnel and presented proposed ordinances dealing with depositing waste and with possession or consumption of alcohol in public. During those discussions, Scott said that if the ordinances passed, he would sentence violators to 24 hours in jail. That has come to pass, the word has gotten out, and there is now a dramatic difference in the visibility of public drinking. Scott reviewed the revenue comparison by calendar year. If cases continue at the rate they are currently being filed, he would expect an increase in revenues in 2014. He said the Court has the proper relationships with the Police, City Attorney, defense attorneys, defendants, and general public. He expressed appreciation for the opportunity to serve as Albany’s Municipal Court Judge.

Konopa said she appreciates that the Judge is working with the Police and the City Attorney on the new ordinances. She said the ordinances have made a positive difference in the community and have also helped individuals deal with their issues and move forward in a positive manner.

Councilor Bessie Johnson asked if the current staffing is sufficient. Scott said he doesn’t think there is need for additional staff in Municipal Court at this time.

Councilor Rich Kellum asked if the Judge had insight on how the ordinances have affected the issue of people obstructing traffic. Scott said that those who were causing problems under the overpass were also frequently drinking, and the ordinance dealing with public drinking has been effective in reducing that activity.

Johnson asked for an update on the red light camera at Queen Street and Geary Street. Hare said that people appear to adjust their behavior and the data backs that up. The first year the camera was in place, more than 1,000 citations were issued, and the most recent data shows fewer than 500 citations issued. He understands that the company the City contracts with has had some internal conflict but the independent annual audit of the program has shown no problems to the best of his knowledge.

Johnson asked if most of those who are ticketed due to the red light camera are convicted. Scott said that officers will play the video for those who come to the hearing and that he offers to review the video for those who have questions about their guilt. The videos are very good, and the majority of the time they show that the citation is appropriate. There have been cases where he found the person came to a brief stop and dismissed the case.

Finance Director Stewart Taylor presented Scott with a coffee mug to commemorate his five-year anniversary as an employee of the City of Albany.

Konopa said that the contract renewal for Scott and the resolution for Pro Tem Judges will be on the February 26, 2014, Consent Calendar.

REVIEW OF TOURISM PROMOTION ACTIVITIES

Parks & Recreation Director Ed Hodney gave a PowerPoint presentation [see agenda file]. Hodney said staff was asked to present a summary briefing on the tourism expenditures associated with the Transient Lodging Tax (TLT).

Representatives from the Albany Downtown Association (ADA) and the Albany Visitors Association (AVA) were also present to speak to their activities and answer any questions specific to their programs. Hodney said that Albany Municipal Code Chapter 3.14 gives authority and establishes the formula for allocation of TLT funds. By policy “Existing” programs are funded at base plus up to 3% increase annually if TLT revenues are sufficient to cover the increase. “New” programs support and promote tourism development and annual funding may increase or decrease depending on available revenues after obligations to “Existing” programs are met. He reviewed the “Existing” programs (ADA, AVA, Albany Economic Development District (AMEDC), and Albany Airport Capital Reserve) and the “New” programs (Northwest Art & Air Festival, Trolley operations and maintenance, Albany Main Street Program development, Public Safety reimbursement, Veterans Day Parade, Monteith House Capital Reserve, and Collaborative Tourism Promotion) and their allocations for 2014, as detailed in the presentation. He said that the Collaborative Tourism Promotion (CTP) program is jointly managed by a committee of the ADA, AVA, Linn County Expo, and Parks & Recreation which reviews and approves funding requests. He reviewed the requests approved to date by the CTP Committee as shown in the presentation.

ADA Executive Director Rod Porsche distributed and reviewed *Albany Downtown Association Goals & Objectives* [see agenda file] and a map of the ADA area [see agenda file]. He said the ADA’s mission is “to promote the economic well-being of downtown by promoting, sponsoring, and facilitating cultural, employment and commercial revitalization of historic downtown.” He said the ADA accomplishes their mission following the four-point Main Street approach which includes promotions, design, economic development and organization. The ADA has a staff of three – the Executive Director, Office Manager, and a Parkwise Officer. The ADA oversees the Parkwise program on behalf of the City. The ADA works to encourage out-of-area visitors through activities such as hosting conferences. The Oregon Heritage Conference will be held in April and the ADA is taking the lead to help ensure this statewide group discovers all there is to do and see in Albany and the surrounding areas. The trolley shuttle from hotels and the Expo to historic downtown is effective in enhancing visitors’ experience and exposing local businesses to new customers.

Kellum said it is his understanding that there are new restrictions on how TLT dollars can be used. City Attorney Jim Delapoe briefly reviewed applicable state law and Konopa said that the City Council made sure they were complying with state law when they made changes to the program.

Councilor Floyd Collins asked what other funding sources the ADA has. Porsche said that they receive funding for the Albany Main Street Program, some Economic Improvement District (EID) funds, and they have 110 merchant members who contribute various amounts based on the size of the business. In response to an inquiry from Konopa, Porsche said he has sound direction on what will be reimbursed under the Main Street Program.

Rebecca Bond, AVA, distributed and reviewed information about her organization [see agenda file]. She distributed a brochure and copies of articles about Albany that have run in *Northwest Travel* and *Parade* magazines [see agenda file]. She said the AVA is the official marketing arm of the City and is charged with marketing Albany, area attractions, historic resources, and events for leisure tourism and group travel. AVA’s mission is “to grow the economic impact of tourism through enriching local experiences.” They carry out their mission by encouraging overnight stays and visitor expenditures; seeking new tourism opportunities; promoting the surrounding area; assisting visitors in discovering activities; and supporting events, attractions, and facilities. She reviewed AVA activities and partnerships as detailed in the written information.

Jennifer Rouse, AVA, said the AVA works collaboratively with a number of regional and statewide partners to reach a larger audience. Albany and Linn County are featured on the Willamette Valley Visitors Association (WVVA) website and are featured in articles facilitated by WVVA marketing efforts and in paid WVVA advertisements. An article in the March/April issue of *VIA* magazine will feature a road trip through the Willamette Valley and will include a section on things to do in Albany. AVA partners with Travel Oregon and is able to access that organization’s resources. AVA also has local partnerships. Tourism in Oregon is a \$9.2 billion industry, directly generating 91,100 jobs and indirectly creating another 41,000 jobs statewide.

Collins asked if the AVA has other funding sources. Rouse said that other than the TLT funding, they receive revenue from other Linn County jurisdictions that are billed directly for her activities.

Collins asked if the AVA tracks the amount that is spent outside of Albany. Bond said that the AVA’s Executive Director has estimated that between one-third and one-half of AVA’s programs market all of Linn County. Konopa noted that the TLT funds provided to AVA by the City of Albany benefit the entire county. She asked if AVA receives funds from Linn County. Bond said no, but the organization partners with the Linn Expo in a variety of ways.

Collins suggested that future reporting on this program should include more information about the services provided outside of the City of Albany to the greater area.

Johnson asked if there have been requests for TLT funds from the Linn County Expo. Hodney said that a request from the Expo for \$5,000 for ads for a marketing event was granted in Fiscal Year 2012-13, and a request for \$1,000 for rent inside the Expo Center was declined. Staff has encouraged Expo Center staff to be more aggressive with their requests. Johnson requested that staff provide information about the all the requests that have been made to the CTP Committee, including those that were rejected.

Konopa thanked staff and the ADA and AVA representatives for their presentations and for their successful efforts.

CRIME UPDATE

Police Chief Mario Lattanzio gave a Power Point presentation on Crime and Officer Workload [see agenda file]. He said that FBI UCR Part 1 Crimes include violent crimes (homicide, rape, robbery, aggravated assault) and property crimes (arson, burglary, larceny, stolen vehicles). All other crimes, including drug offenses, are Part 2 crimes. He reviewed spreadsheets showing COMPSTAT: UCR Part 1 Crime statistics for Albany. In 2013, the actual reduction in Part 1 crimes was 8.9 percent as compared to 2012. In this community, there is very little violent crime and more property crime. He showed graphs of Part I Violent Crime and Part I Property Crime in Albany as compared to the state, the region, and the nation from 1998 to 2013. He showed graphs of 2012 Part I Violent Crime and Part I Property Crime statistics in Albany as compared to other cities in Oregon. Albany was shown to have the lowest Part I Violent Crime rate and the third highest Part I Property Crime rates in the comparison. He reviewed the 2012 Sworn Officers and 2012 Part I Crimes per Sworn Officer by community. Albany was shown to have the highest number of Part I crimes per officer in the comparison.

Lattanzio showed a graph of the 20-Year Projected Staff Requirements. The current officer/population rate is 1.18/1,000 and the proposed officer/population rate of 1.34/1,000, a difference of eight sworn officers. He reviewed a reference slide showing the population, number of sworn officers, and Part I crime statistics for Albany and comparable Oregon cities. He reviewed booking issues associated with limited jail space, noting a demonstrated cycle of property crime offenders being arrested and taken to the Linn County jail where they are released due to limited space and then arrested for another offense within a short period of time. He has proposed that a new City facility include a temporary holding facility so that people can be held overnight until they see the Judge.

Councilor Dick Olsen asked how many cells at the County jail are occupied by drug offenders. Lattanzio said he doesn't have that information. Brief discussion followed regarding property crimes in the City and efforts to fill the sworn officer vacancies. Lattanzio said that from the time of vacancy, it takes about a year to hire and train an officer. Hare noted that out of 100 applications received during the last round, only two were eligible for consideration.

RECORDS MANAGEMENT POLICIES REVIEW

City Clerk Mary Dibble drew attention to the staff memo requesting Council's annual review of Records Information Management (RIM) Program policies. She reviewed proposed changes to Policy F-05-08, Public Records Requests, which would prohibit the use of personal external sources for copies of public records and would clarify "Employee Costs" for Level 3 fees. She reviewed concerns that allowing the use of personal equipment to download City records creates a risk for City data. She noted that the Information Technology Department stocks clean USB flash drives and a fee for USB flash drives has been added to the form.

Dibble reviewed proposed housekeeping changes to Policy F-04-08, Identification Theft Protection Policy, as detailed in the memo. There were no changes proposed for Policy F-09-08, Records Management Policy, or Policy F-10-09, Digital Image as Original. A resolution adopting the Public Records Request policy and USB flash drive fee will be on the February 26, 2014, Consent Calendar.

COUNCILOR COMMENTS

Kellum suggested that each Councilor and the Mayor write a check to the Secretary of State's office for payment of the fine assessed to the City Manager, and that the checks be delivered along with a letter of objection. He said the Council directed the action taken by Hare, and he is frustrated by the lack of realistic ability to know where the lines are drawn.

MOTION: Kellum moved that the Mayor and Councilors each write a check for \$10.72 payable to the Secretary of State's office to cover the fine assessed to the City Manager, and that the checks be delivered along with a letter of objection. Councilor Ray Kopczynski seconded the motion and it passed 5-0.

Hare said that the Secretary of State's office has rescinded the fine assessed to Management Assistant/Public Information Officer Marilyn Smith, recognizing that she was acting in a clerical capacity. He said he is willing and able to pay the fine, but he will defer to the Council's judgment.

Delapoer said there may be a public interest in fighting the fine. He is concerned that for future ballot measures, staff members will be unwilling to give the Council assistance before clearing it with the Secretary of State's Office, the result being that Council will not be able to rely on staff and may end up with misinformation. He doesn't believe that public employees have surrendered their right to free speech; however, this doesn't get tested because small fines are levied and jurisdictions can't justify the expense of fighting them. He estimated that it may cost between \$5,000 and \$20,000 in legal bills to go through to the Court of Appeals, and he can't say whether or not he would win the case. Council would need to decide if it is worth the expense based on the effect to the organization.

Collins suggested that Council have a conversation with the elected representatives to see if there is interest in taking this back to the legislature for clarification.

Johnson said that Councilors state-wide need to be able to rely on the expertise of their staff. She would support taking legal action.

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Kellum said that the system has gigantic flaws; the question is whether to use the City's taxpayer funds to try to fix Oregon's problem.

Olsen said that this is a situation where the people who know what they are talking about are muzzled. He would support taking it to the courts. Brief discussion followed.

Collins suggested that the Council pay the fine with an objection letter and ask the elected officials to encourage the Secretary of State to follow through on a work study group to clarify the entire process.

Hare and Smith expressed appreciation for the Council's support.

CITY MANAGER REPORT

There was no report.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager