

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, November 4, 2015  
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: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Police Department Lifesaving Awards.

Police Chief Mario Lattanzio came forward to recognize Police Officer Joe Clausen and Police Officer Scott McBride for saving the life of a man who had cut his arm and was bleeding to death. He read from the citation and presented a plaque, a medal, and a certificate to each officer.

Konopa said, Albany is very proud of our officers.

PROCLAMATIONS

#GivingTuesday.

Konopa read the proclamation as outlined in the agenda packet. She commented that this is a new proclamation.

Albany Charitable Toy Run.

Konopa said Albany is very proud of this event. She read the proclamation as outlined in the agenda packet.

Bill Root has been involved in the event for many years. He said it is moving to see the kids come and pick out a toy. This year, toys not given out will be donated to the Salvation Army for their toy run. Donations will be accepted at the Cutting Room or the Eagles Lodge any time before the event, or at Walmart on the day of the event. Root thanked the City of Albany and the Fire, Police, and Public Works Departments for their help. Konopa noted that the Cutting Room owners have filled in gaps when there haven't been enough toys.

SCHEDULED BUSINESS

Business from the Public

Scott Lawley, 175 Foxwood Court SE, is a member of the Albany Arts Commission. He wrote a letter to the *Albany Democrat-Herald*, published October 15, 2015, titled "Mailbag - Be heard on 1 percent for art". He read the letter into the record (see agenda file).

Linda Herd, Chair of the Albany Arts Commission, 723 Ferry Street SW, said Ordinance No. 5385 is working so far, and there is no reason to change it. The Commission hasn't received any bids for the two projects, so the cost is unknown. The opportunity to acquire art doesn't happen often, and relying on private investment for art is a nice idea, but we can ask for private investment too often. Privately funded art is less subject to City oversight. She said, we could end up with an art piece that didn't truly represent Albany. The Arts Commission wants to tell Albany's story, and they have no oversight of art on private property. It is important to public art that the City have oversight, and if we don't keep the one percent, then we should have oversight of all public art, even on private property.

Konopa expressed appreciation for the Arts Commission's work. Herd said that in December, an exhibition of art related to fly fishing will be in the City Hall gallery.

Michael Moore, 601 Peach Tree Lane NE, said he is a former member of the Arts Commission. He is disturbed by the proposal to change the one percent to one quarter of one percent. For a \$500,000 building, \$1,250 would

be available for art, which is not enough for anything substantial. He also doesn't like that the selection of public art would be up to the City Council. The Councilors are not professional artists, but the Arts Commission members are professionals or deeply involved in artwork. The Arts Commission is the most appropriate body to select artwork for the City. Public art doesn't have to be in buildings; it can be outdoor statues as in Corvallis. A recent letter to the *Albany Democrat-Herald* asked why the City needs more art, since we already have art at the library and at City Hall. Moore said that is an insignificant amount of art. Albany could have art in parks and statues around the City like Corvallis does. He hopes the Council will not change the existing ordinance.

Billie Moore, 601 Peach Tree Lane NE, said she was also on the Arts Commission for a while. She spent time in Albuquerque last year and was amazed at the amount of art in public places. A few months ago, she was in a very small town in Washington that had just one stoplight, but even they had a statue in front of their fire station. She said, if that little town can have public art, she doesn't see why Albany can't. Also, in response to the letter to the editor saying Albany has "numerous" places for rotating art exhibits, there are only two places. She asked the Council to consider if they want it to be that way.

#### Reconsideration of Ordinance

##### Amending Albany Municipal Code Chapter 2.27, Community Development Commission.

MOTION: Councilor Ray Kopczynski moved to adopt the ordinance and Councilor Bill Coburn seconded it.

Councilor Rich Kellum suggested rotating the selection of the Community Development Commission among the City's three wards.

Councilor Bessie Johnson clarified that the suggested change is to have the Mayor appoint Commission members subject to ratification by the Council.

Konopa said it would be very cumbersome to do as Kellum suggests. It would also be administratively cumbersome for staff. The Council would still have the final vote, just as they do on all the other boards and commissions. She said, we have struggled to fill positions on boards and commissions, and this could prevent people from wanting to apply. Johnson said she doesn't think this would be any different.

Kopczynski said he's been trying to get someone involved in the committees, and suggested him to Konopa as someone to consider. Kopczynski has no problem with the way it works now. Konopa said three committee members are serving on expired terms and three more are due to expire soon. The commissioners are asking what the status is. This has been on the Council's plate since last February.

VOTE: A vote was taken on the motion to adopt the ordinance and it passed 4-2, with Johnson and Kellum voting no, and was designated Ordinance No. 5861.

#### First Reading of Ordinance

##### Amending Albany Municipal Code Chapter 2.96 concerning the acquisition of art for new City buildings.

There was a revised ordinance on the dais (see agenda file).

City Attorney Jim Delapoer read the revised ordinance for the first time in title only.

MOTION: Councilor Floyd Collins moved to have the City Attorney read the revised ordinance for a second time in title only and Kellum seconded it. The motion failed 5-1, with Kopczynski voting no (it takes a unanimous vote for a second reading in the same meeting).

Collins said he's not so much concerned about the one percent as he is that the Council has the ultimate fiduciary responsibility. He wants to be sure the City has the money to build the building we promised, for the purpose we promised. If we have the ability within the building budget to do the one percent, he supports the one percent. He does not support allocating the one percent and then having to reduce the functionality of the building. As the ordinance is now, we don't know what amount to calculate the one percent on until we have the construction dollars defined. Is it the engineer's estimate? Or the cost estimate? Or the bid? He said, it is the Council's responsibility to deliver the product to the people. As to the content of the art, he would defer to the Arts Commission 99% of the time, but it is the Council's responsibility to deliver to the community. He supports the revised ordinance as drafted, because the Council has the responsibility to deliver what was promised, and to ensure that it meets the overall objectives of the City.

Kopczynski said he would like to keep the ordinance the way it is written, with one percent. It's a valid choice of funding, and there's already a 10% contingency built in.

MOTION: Kopczynski moved to remove the revised ordinance from consideration and leave the existing ordinance as it is. Councilor Dick Olsen seconded the motion.

Kellum said, we told the public that we would not build a Taj Mahal. It makes sense to wait until we know how much money is available. He has a hard time telling his constituents that we will cut back on the functionality of the building so we can have art. He wants to wait until we get the functionality of the building before we start adding art. Art is nice but not mandatory. Kopczynski said he believes art is essential to the well-being of the community. Kellum said he has been involved in three art projects that were privately funded, including the titanium time capsule. Albany is not lacking art. He believes they should focus on functionality first, and then the extras.

Kopczynski said, we are building two facilities to last many years, and he cannot believe that one percent for art, with the ten percent built-in contingency, will make any difference in functionality.

Johnson said she will not be voting for the motion, but she has been thinking about how seldom this happens. She asked, how soon do they have to know how much they will have to spend? City Manager Wes Hare said the Council directed staff to proceed with construction of the buildings without including the extra features that might have been included as art (the police plaza drainage system and expansion of the fire building's exhibition area), but that doesn't preclude them from having art or using the one percent. He said, staff asked for the clarification because we need to get the project done. They should be done on time and in budget, and should be able to accommodate the one percent for art, if that is what the Council directs.

VOTE: A vote was taken on the motion to remove the revised ordinance from consideration and leave the existing ordinance as it is, and it passed 4-3, with Collins, Kellum, and Johnson voting no. (This item will not come back to the next meeting.)

Collins asked that staff assess the total costs at bid and inform the Council if they are within budget. He said, if the project is pushing the budget and if one percent takes us over the \$24 million, the Council needs to know. Based on discussions with Chief Lattanzio, they have already had to sacrifice some of the performance abilities of those buildings. Collins said he will not sacrifice police and fire services if they can get money for art from other sources. He said, we will be in trouble with the voters if we come in over budget. Hare said the Council will be informed of the bid estimates as they come in.

Coburn said there is another way to look at this. There are a lot of rules, regulations, ordinances, etc., that are required when we build a building; this is just one of them. He said, we knew they were in place when the voters voted, and nothing has changed. Olsen agreed.

#### Adoption of Resolutions

##### Transportation Project List modification for Transportation System Development Charge (SDCs) methodology and fee.

- a) Adopting a methodology for the development of a system development charge for the Transportation System and repealing Resolution No. 6220.

Transportation Systems Analyst Ron Irish asked for questions.

Kopczynski asked if the Council could modify this to make it more palatable as more revenue comes in. Irish said when development increases, the revenue stream to the SDC account increases. He said, it doesn't affect the project list, but lets us accelerate the rate at which we build projects if the Council wants.

MOTION: Kopczynski moved to adopt the resolution and Olsen seconded the motion. The motion passed 6-0 and was designated Resolution No. 6463.

- b) Revising the project list for the Transportation System Development Charges, reaffirming the base fee and the appeal fee, and repealing Resolution No. 6429.

MOTION: Collins moved to adopt the resolution and Kopczynski seconded the motion. The motion passed 6-0 and was designated Resolution No. 6464.

#### Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) August 26, 2015, Regular Session minutes.
- 2) Approving the limited on-premises sales, change ownership liquor license application for Fox Run LLC, d/b/a All Star Pizza, located at 231 Lyon Street SE.

Olsen requested a change to page 3 of the August 26, 2015, minutes. He explained the intent of his comments and asked staff to make the change to the minutes.

MOTION: Olsen moved to adopt the Consent Calendar with the revision to the minutes. Kopczynski seconded the motion and it passed 6-0.

Award of Bid

WTP-16-01-A, Vine Street WTP Electrical Improvements.

Public Works Engineering and Community Development Director Jeff Blaine said the City received five bids for the project, ranging from \$585,707.00 to \$697,050.00. The engineer's estimate was \$775,000.00. Staff recommends awarding the project to the lowest bidder, U.S. West Electric, contingent upon receiving no bid protests before November 5, 2015. He explained the bid protest period contingency.

MOTION: Kellum moved to award the contract in the amount of \$585,707 to US West Electric of Myrtle Creek, Oregon and Kopczynski seconded it.

Kopczynski said the low bid is dramatically lower than the others, especially compared to the engineer's estimate. He asked if that is a concern. Blaine said sometimes it happens this way, and sometimes the outliers can be problematic, and sometimes they aren't. City Attorney Jim Delapoer said if the bidder believes they have made a mistake, they can apply to be relieved. The City hasn't received an application to be relieved in this case, which is confirmation that the bidder believes they can perform what they bid. Kellum said some bidders can get special deals, especially when the project is installation.

Coburn said, not in relation to this particular bid, that sometimes a bidder makes a mistake, and sometimes a bidder gets better pricing. He emphasized that he was not commenting on this particular bid. He has no insight into this bid. Konopa asked if he had heard of this company. Coburn said yes.

VOTE: A vote was taken on the motion to award the contract in the amount of \$585,707 to US West Electric of Myrtle Creek, Oregon and it passed 6-0.

Report

Public Safety Local Option Levy renewal election.

Hare reminded the Council that the City has been funding a good portion of police, fire, and ambulance services through a serial levy for the last 15 years. He said, typically, we have given ourselves leeway in scheduling renewal elections so that if it doesn't pass we have another chance before the levy expires. To maintain that practice, we need to go to the voters in May 2016 for a new five-year serial levy. We could ask for enough of an increase to make up for compression losses, but not more than that. Staff recommends putting the levy on the primary election in May.

Collins said the staff report states that staff recommends keeping the levy at the same amount. He asked Hare to clarify the amount of the levy. Hare said the City will receive the same amount of revenue from the levy, but because of compression, the levy might be at a different rate. Discussion followed about compression and the possible rate, and about how the change in the urban renewal laws would affect the revenues. Hare said this is the most money the City has ever received, but we get far less service per-capita than originally funded.

MOTION: Kopczynski moved to direct staff to prepare the Public Safety Local Option Levy renewal documents for the May, 17, 2016, Primary Election. Olsen seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Johnson commented on the progress of Lowe's construction. They have signs out that they're now hiring. She also noticed that the Wheeler Dealer at Queen Avenue and Geary Street is hiring. She hopes this is a good sign for unemployment numbers.

Olsen asked about the progress of the canal discussions with the city of Lebanon. Hare said the City has received a counter-proposal. It's too early to be optimistic, but discussion is progressing.

Kopczynski said one of his constituents heard a rumor that the City is considering putting in parking meters downtown. No other Councilors or staff had heard any discussion of doing this. Konopa said Parkwise is the agency that manages downtown parking. She hasn't heard any word of putting in meters.

Konopa reminded the Councilors of the Veteran's Day Parade.

Hare commended Assistant City Manager and Chief Information Officer Jorge Salinas for his work to get the City recognized as the No. 6 digital city in the U.S. The recognition is based on several programs, including ProjectDox, transparency initiatives, and computer statistic analysis. Hare said Salinas did a great job. Albany gets a lot of recognition for the work he does.

NEXT MEETING DATE: Work Session: November 9, 2015, and Regular Session: December 2, 2015.

Albany City Council Regular Session  
November 4, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Wes Hare  
City Manager