



CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Council Chambers  
Monday, March 9, 2015  
4:00 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**

- 4:00 p.m. **CALL TO ORDER**
- 4:00 p.m. **ROLL CALL**
- 4:05 p.m. **BUSINESS FROM THE PUBLIC**
- 4:10 p.m. **RISK MANAGEMENT TRAINING FOR ELECTED OFFICIALS -- Steve Uerlings**  
*Action Requested: Information.*
- 4:25 p.m. **STORMWATER INFORMATION, PART 2 – Jeff Blaine**  
*Action Requested: Information, discussion, direction.*
- 4:50 p.m. **WASTEWATER COLLECTION SYSTEM PLAN EVALUATION – Mark Yeager**  
*Action Requested: Information, discussion, direction.*
- 5:30 p.m. **SENATE BILL 629 "OREGON RIGHT TO REST" – Mayor Konopa**  
*Action Requested: Information, discussion, direction.*
- 5:50 p.m. **COUNCILOR COMMENTS**
- 5:55 p.m. **CITY MANAGER REPORT**
- 6:00 p.m. **ADJOURNMENT**

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

*City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)*

*The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advance notice is requested by notifying the City Manager's Office at 541-917-7508, 541-704-2307, or 541-917-7519.*



TO: Albany City Council

VIA: Wes Hare, City Manager  
Mark W. Shepard, P.E., Assistant City Manager/Public Works and Community Development Director *MWS*

FROM: Jeff Blaine, P.E., Assistant Public Works Director/City Engineer *JB*

DATE: March 3, 2015, for the March 9, 2015, City Council Work Session

SUBJECT: Stormwater Discussion Part 2 – Why is Stormwater Important & Current Planning Activities

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● A Safe City  
● An Effective Government

Action Requested:

No action is requested at this time. This memo is for information only as part of a series of stormwater discussions.

Discussion:

At the January 12, 2015, work session, staff introduced a program to provide Council with a series of stormwater discussions that would take place over the course of the year. At Monday's work session, Council will receive the second presentation in that series. The presentation will focus on why stormwater is important and what planning/design efforts are currently underway.

When considering stormwater management practices for a municipality, it is important to consider both stormwater quantity and quality. The importance of addressing stormwater quantity is self-explanatory; we want to avoid flooded roads, houses, and yards. This desire is what led to traditional municipal development practices that relied on collecting stormwater in inlets and transporting it through piped systems to the nearest waterway. Waterways receiving stormwater were viewed as conveyance and disposal systems, and were not identified as important community assets or sensitive ecosystems. This approach was industry standard and not unique to Albany.

Over time there has been increasing awareness of the negative impacts that stormwater quantity and quality can have on waterways if not properly managed. Regardless of water quality, increased runoff rates and volumes created by converting natural landscapes into impervious surfaces can seriously harm receiving streams through erosion and subsequent loss of land and habitat. When water quality is considered, further harm is done to aquatic species through contaminants consistently found in urban runoff whether it be from spills, leaky vehicles, brake pads, pesticides, lawn fertilizers, or roof treatments. Under traditional stormwater practices, these contaminants entered waterways untreated, creating a potential problem for downstream water users.

The increased awareness of stormwater issues has led to changes in numerous regulations that impact development practices across the country. While Albany has responded through recent adoption of Erosion Prevention and Sediment Control (EPSC) and Post-Construction Stormwater Quality (PCSWQ) programs, additional measures are needed, and will be required.

As an example, the primary tool for managing and evaluating stormwater quantity impacts in Albany is the Stormwater Master Plan. Without a Master Plan, staff cannot determine how big major pipelines need to be to serve growth or where deficiencies exist. Albany's current Master Plan was adopted in 1988 and is nearly irrelevant. North Albany hasn't been studied since the County last completed a master plan in the mid to late 1970's. Obviously, these plans need to be updated to reflect the current level of development, regulatory requirements, and policies of the City of Albany. A master plan update that includes consideration of stormwater impacts on waterways is currently underway. This update will be a valuable tool for residents, developers, and City staff. Council will be hearing more about this master plan update in coming months as we move forward with our public outreach plan as previously directed by Council.

With a growing City and tightening federal regulations Albany will need to continue to identify ways to proactively manage stormwater quantity and quality. By making informed decisions now, Albany can both promote economic development and protect our local natural resources for future generations.

Budget Impact:

There is no budget impact at this time.

JJB:kw

c: Chris Bailey, Assistant Public Works Director/Operations Manager  
Mark A. Yeager, P.E., Utility Services Manager  
Jeni Richardson, P.E., Civil Engineer III  
Jeff Babbitt, Senior Accountant



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mark W. Shepard, P.E., Assistant City Manager, Public Works and Community  
Development Director  
Mark A. Yeager, P.E., Utility Services Manager

MWS

(u)

DATE: February 26, 2015, for the March 9, 2015, City Council Work Session

SUBJECT: Wastewater Collection System Facility Plan

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Information only.

Discussion:

The Wastewater Collection System Facility Plan (Plan) provides a long-range look at the current and future capacity requirements of Albany's wastewater collection system. The Plan identifies level of service standards for the collection system and considers both community growth and regulatory requirements.

The wastewater collection system is a network of lift stations and underground pipes that collect and transport sewage from homes and businesses to the wastewater treatment plant for processing prior to discharge to the Willamette River. Albany's continued economic growth and future development depends on a properly functioning collection system and compliance with regulatory requirements related to collection system operations. A properly functioning wastewater collection system also helps to protect the health and safety of the community and the surrounding environment.

To meet the community's needs, a wastewater collection system must have sufficient capacity to reliably transport current and future peak flows to the treatment plant. The Plan identifies system capacity constraints that could limit projected growth within Albany's existing urban growth boundary. The Plan does not incorporate the existing system condition assessment or perpetual life replacement needs because those needs are considered as part of the City's overall Capital Improvement Program planning process.

To identify existing system capacity deficiencies and to project future system capacity requirements, flow data from the existing system was combined with future flow projections in a computer-based hydraulic model of the City's collection system. Using the City's design criteria, pipeline and lift station improvements necessary to reliably transport flows to the treatment plant were identified and are included in the report's recommendations.

The Plan highlights the key assumptions and the methodology used in the hydraulic model as well as the City design criteria used for identifying system deficiencies and required improvements.

The objectives of the Collection System study include:

- a capacity analysis for existing pipelines and lift stations;
- an estimate of future peak flows in pipeline segments;
- an estimate of future peak flows to lift stations;

- a determination of required pipeline sizes and lift station capacity to handle future peak flows to serve future development and to reduce the risk of sewer system overflows; and
- a prioritized list of recommended capital improvements.

To eliminate identified system deficiencies, trial solutions were input into the model and adjustments made until the minimum required improvements were determined. The piping and pumping solutions were grouped into projects, cost estimates were prepared, and projects were then prioritized into the following categories:

- High Priority Projects - improvements needed to correct existing system deficiencies, to meet current regulatory requirements, and to provide capacity for future development.
- Low Priority Projects - improvements to existing collection system required to provide capacity for future development.
- New Development Projects - improvements required to provide sewer service to areas of future development.
- Estimated costs for the prioritized project categories are presented in the following table:

<b>PROJECTS SUMMARY</b>	
High Priority Projects	\$33,760,000
Low Priority Projects	\$18,510,000
New Development Projects	\$29,710,000
<b>Total</b>	<b>\$81,980,000</b>

Consistent with industry standards for facility plan level cost estimates, these estimates are likely conservative because they are based on very preliminary engineering. They also do not account for cost savings potential from alternative construction methodologies or alternative solutions to the identified projects, where appropriate. Staff is currently evaluating potential costs saving alternatives for some of the high priority projects.

Once alternative analyses are complete, staff will bring a proposed funding strategy forward for Council consideration. It is anticipated that this funding strategy will include an updated wastewater System Development Charge (SDC) methodology. This Plan does not address any current or future needs at the Albany-Millersburg Water Reclamation Facility (WRF), so those needs will need to be considered prior to developing an updated SDC methodology.

In the interim, as funding becomes available, projects from the Plan will be considered for construction through the City's annual Capital Improvement Program process. The Plan will also serve as a guide for areas of future development.

Budget Impact:

None at this time.

MAY:kw

Attachment – Wastewater Collection Facility Plan (*to be distributed at the Work Session*)

## Senate Bill 629

Sponsored by Senator SHIELDS, Representative GALLEGOS; Senators DEMBROW, STEINER HAYWARD, Representatives FREDERICK, GREENLICK, KOMP, MCLAIN, REARDON (at the request of Western Regional Advocacy Project)

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Establishes Oregon Right to Rest Act. Makes violation unlawful practice enforceable by Commissioner of Bureau of Labor and Industries or by civil action.

### A BILL FOR AN ACT

1  
2 Relating to rights of persons experiencing homelessness; creating new provisions; and amending ORS  
3 659A.885.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Sections 2 to 6 of this 2015 Act are added to and made a part of ORS chapter  
6 659A.

7 **SECTION 2.** Sections 3 to 6 of this 2015 Act shall be known and may be cited as the  
8 "Oregon Right to Rest Act."

9 **SECTION 3.** (1) The Legislative Assembly finds that:

10 (a) Many persons in Oregon have experienced homelessness as a result of economic  
11 hardship, a shortage of safe and affordable housing, the inability to obtain gainful employ-  
12 ment and a disintegrating social safety net system; and

13 (b) Decriminalization of rest allows local governments to redirect resources from local  
14 law enforcement activities to activities that address the root causes of homelessness and  
15 poverty.

16 (2) It is declared to be the public policy of Oregon to guarantee persons experiencing  
17 homelessness participation in the social and economic life of this state, remunerative em-  
18 ployment, use of and free movement within public spaces, participation in and receipt of the  
19 benefits of the services, programs and activities of state government and local governments  
20 and housing accommodations of the person's choice, without discrimination on the basis of  
21 the person's housing status.

22 **SECTION 4.** As used in sections 3 to 6 of this 2015 Act:

23 (1) "Harassment" means a knowing and willful course of conduct by law enforcement  
24 officers, public or private security personnel or employees of local governments directed at  
25 a person experiencing homelessness that a reasonable person would consider as seriously  
26 alarming, annoying, tormenting or terrorizing of the person experiencing homelessness.

27 (2) "Housing status" means the residential status of a person experiencing homelessness.

28 (3) "Local government" has the meaning given that term in ORS 174.116.

29 (4) "Motor vehicle" has the meaning given that term in ORS 801.360.

30 (5)(a) "Persons experiencing homelessness" means persons who lack, or are perceived to

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in boldfaced type.

1 lack, a fixed, regular and adequate nighttime residence or who have a primary nighttime  
2 residence in a shelter, on the street, in a vehicle or in an enclosure or structure that is not  
3 authorized or not fit for human habitation.

4 (b) "Persons experiencing homelessness" includes:

5 (A) Persons who reside in a residential hotel or any other location without tenancy  
6 rights.

7 (B) Families with children staying in a residential hotel whether with or without tenancy  
8 rights.

9 (6)(a) "Public space" means any property that is owned, in whole or in part, by state  
10 government or a local government, or upon which there is an easement for public use, and  
11 that is held open to the public.

12 (b) "Public space" includes but is not limited to plazas, courtyards, parking lots, side-  
13 walks, public transportation facilities and services, public buildings and parks.

14 (c) "Public space" does not mean a private business establishment.

15 (7) "Recreational vehicle" has the meaning given that term in ORS 446.003.

16 (8) "Rest" means the state of sleeping or not moving or the state of holding certain  
17 postures that include but are not limited to sitting, standing, leaning, kneeling, squatting or  
18 lying on the ground or other surface.

19 (9) "State government" has the meaning given that term in ORS 174.111.

20 SECTION 5. (1) In enacting sections 3 to 6 of this 2015 Act, it is the intent of the Legis-  
21 lative Assembly that:

22 (a) Persons experiencing homelessness be permitted to use public spaces in the same  
23 manner as any other person without discrimination based on their housing status;

24 (b) Civil and human rights that are protected for persons in their homes and in other  
25 private places be extended to the public spaces in which persons experiencing homelessness  
26 live; and

27 (c) Every person in this state, including persons experiencing homelessness, have the  
28 rights set forth in subsection (2) of this section to be exercised without being subject to  
29 harassment.

30 (2) Notwithstanding any other law or regulation of state government or local govern-  
31 ment, a person experiencing homelessness has the following rights:

32 (a) To use and move freely in public spaces without discrimination and time limitations  
33 that are based on housing status.

34 (b) To rest in public spaces and seek protection from adverse weather conditions that are  
35 unsuitable for human exposure in a manner that does not obstruct human or vehicle traffic.

36 (c) To eat, share, accept or give food in any public space in which having food is not  
37 prohibited.

38 (d) To pray, meditate, worship or practice religion in public spaces without discrimination  
39 based on housing status.

40 (e) To occupy a motor vehicle or a recreational vehicle provided that the vehicle is legally  
41 parked on public property or on private property with the permission of the private property  
42 owner.

43 SECTION 6. (1) It is an unlawful practice for any person to deny, refuse, restrict or  
44 withhold from a person experiencing homelessness, because of the person's housing status,  
45 any of the rights listed in section 5 of this 2015 Act.

1 (2) Complaints alleging an unlawful practice under this section may be filed by the  
 2 aggrieved person, or by a person lawfully acting on behalf of the aggrieved person, with the  
 3 Commissioner of the Bureau of Labor and Industries in the manner provided by ORS  
 4 659A.820. The commissioner shall enforce this section in the manner provided in this chapter  
 5 regarding other unlawful practices.

6 (3) Violation of this section subjects the violator to the civil remedies and penalties pro-  
 7 vided in this chapter.

8 **SECTION 7.** ORS 659A.885 is amended to read:

9 659A.885. (1) Any person claiming to be aggrieved by an unlawful practice specified in sub-  
 10 section (2) of this section may file a civil action in circuit court. In any action under this subsection,  
 11 the court may order injunctive relief and any other equitable relief that may be appropriate, in-  
 12 cluding but not limited to reinstatement or the hiring of employees with or without back pay. A  
 13 court may order back pay in an action under this subsection only for the two-year period imme-  
 14 diately preceding the filing of a complaint under ORS 659A.820 with the Commissioner of the Bureau  
 15 of Labor and Industries, or if a complaint was not filed before the action was commenced, the two-  
 16 year period immediately preceding the filing of the action. In any action under this subsection, the  
 17 court may allow the prevailing party costs and reasonable attorney fees at trial and on appeal. Ex-  
 18 cept as provided in subsection (3) of this section:

19 (a) The judge shall determine the facts in an action under this subsection; and

20 (b) Upon any appeal of a judgment in an action under this subsection, the appellate court shall  
 21 review the judgment pursuant to the standard established by ORS 19.415 (3).

22 (2) An action may be brought under subsection (1) of this section alleging a violation of ORS  
 23 10.090, 10.092, 25.337, 25.424, 171.120, 408.230, 408.237 (2), 476.574, 652.355, 653.060, 659A.030,  
 24 659A.040, 659A.043, 659A.046, 659A.063, 659A.069, 659A.082, 659A.088, 659A.103 to 659A.145,  
 25 659A.150 to 659A.186, 659A.194, 659A.199, 659A.203, 659A.218, 659A.228, 659A.230, 659A.233,  
 26 659A.236, 659A.250 to 659A.262, 659A.277, 659A.290, 659A.300, 659A.306, 659A.309, 659A.315,  
 27 659A.318, 659A.320 or 659A.421 or **section 6 of this 2015 Act.**

28 (3) In any action under subsection (1) of this section alleging a violation of ORS 25.337, 25.424,  
 29 659A.030, 659A.040, 659A.043, 659A.046, 659A.069, 659A.082, 659A.103 to 659A.145, 659A.199,  
 30 659A.228, 659A.230, 659A.250 to 659A.262, 659A.290, 659A.318 or 659A.421:

31 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
 32 compensatory damages or \$200, whichever is greater, and punitive damages;

33 (b) At the request of any party, the action shall be tried to a jury;

34 (c) Upon appeal of any judgment finding a violation, the appellate court shall review the judg-  
 35 ment pursuant to the standard established by ORS 19.415 (1); and

36 (d) Any attorney fee agreement shall be subject to approval by the court.

37 (4) In any action under subsection (1) of this section alleging a violation of ORS 652.355 or  
 38 653.060, the court may award, in addition to the relief authorized under subsection (1) of this section,  
 39 compensatory damages or \$200, whichever is greater.

40 (5) In any action under subsection (1) of this section alleging a violation of ORS 171.120, 476.574,  
 41 659A.203 or 659A.218, the court may award, in addition to the relief authorized under subsection (1)  
 42 of this section, compensatory damages or \$250, whichever is greater.

43 (6) In any action under subsection (1) of this section alleging a violation of ORS 10.090 or 10.092,  
 44 the court may award, in addition to the relief authorized under subsection (1) of this section, a civil  
 45 penalty in the amount of \$720.

1 (7) Any individual against whom any distinction, discrimination or restriction on account of  
2 race, color, religion, sex, sexual orientation, national origin, marital status or age, if the individual  
3 is 18 years of age or older, has been made by any place of public accommodation, as defined in ORS  
4 659A.400, by any employee or person acting on behalf of the place or by any person aiding or  
5 abetting the place or person in violation of ORS 659A.406 may bring an action against the operator  
6 or manager of the place, the employee or person acting on behalf of the place or the aider or abettor  
7 of the place or person. Notwithstanding subsection (1) of this section, in an action under this sub-  
8 section:

9 (a) The court may award, in addition to the relief authorized under subsection (1) of this section,  
10 compensatory and punitive damages;

11 (b) The operator or manager of the place of public accommodation, the employee or person  
12 acting on behalf of the place, and any aider or abettor shall be jointly and severally liable for all  
13 damages awarded in the action;

14 (c) At the request of any party, the action shall be tried to a jury;

15 (d) The court shall award reasonable attorney fees to a prevailing plaintiff;

16 (e) The court may award reasonable attorney fees and expert witness fees incurred by a de-  
17 fendant who prevails only if the court determines that the plaintiff had no objectively reasonable  
18 basis for asserting a claim or no reasonable basis for appealing an adverse decision of a trial court;  
19 and

20 (f) Upon any appeal of a judgment under this subsection, the appellate court shall review the  
21 judgment pursuant to the standard established by ORS 19.415 (1).

22 (8) When the commissioner or the Attorney General has reasonable cause to believe that a  
23 person or group of persons is engaged in a pattern or practice of resistance to the rights protected  
24 by ORS 659A.145 or 659A.421 or federal housing law, or that a group of persons has been denied  
25 any of the rights protected by ORS 659A.145 or 659A.421 or federal housing law, the commissioner  
26 or the Attorney General may file a civil action on behalf of the aggrieved persons in the same  
27 manner as a person or group of persons may file a civil action under this section. In a civil action  
28 filed under this subsection, the court may assess against the respondent, in addition to the relief  
29 authorized under subsections (1) and (3) of this section, a civil penalty:

30 (a) In an amount not exceeding \$50,000 for a first violation; and

31 (b) In an amount not exceeding \$100,000 for any subsequent violation.

32 (9) In any action under subsection (1) of this section alleging a violation of ORS 659A.145 or  
33 659A.421 or alleging discrimination under federal housing law, when the commissioner is pursuing  
34 the action on behalf of an aggrieved complainant, the court shall award reasonable attorney fees to  
35 the commissioner if the commissioner prevails in the action. The court may award reasonable at-  
36 torney fees and expert witness fees incurred by a defendant that prevails in the action if the court  
37 determines that the commissioner had no objectively reasonable basis for asserting the claim or for  
38 appealing an adverse decision of the trial court.

39 (10) In an action under subsection (1) or (8) of this section alleging a violation of ORS 659A.145  
40 or 659A.421 or discrimination under federal housing law:

41 (a) "Aggrieved person" includes a person who believes that the person:

42 (A) Has been injured by an unlawful practice or discriminatory housing practice; or

43 (B) Will be injured by an unlawful practice or discriminatory housing practice that is about to  
44 occur.

45 (b) An aggrieved person in regard to issues to be determined in an action may intervene as of

1 right in the action. The Attorney General may intervene in the action if the Attorney General cer-  
2 tifies that the case is of general public importance. The court may allow an intervenor prevailing  
3 party costs and reasonable attorney fees at trial and on appeal.

4 **(11) In any action under subsection (1) of this section alleging a violation of section 6 of**  
5 **this 2015 Act, the court may award, in addition to the relief authorized under subsection (1)**  
6 **of this section:**

7 **(a) Compensatory damages or \$1,000 per violation, whichever is greater; and**

8 **(b) A civil penalty in the amount of \$1,000.**

9