



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, September 23, 2015
 7:15 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

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.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
 - Led by Boy Scout Troop #7365
3. ROLL CALL
4. SCHEDULED BUSINESS
 - a. Public Hearing
 - 1) Community Development Block Grant 2014 annual report and community needs. [Pages 3-22]
 Action: _____
 - b. Business from the Public
 - c. Presentation
 - 1) Marijuana Information – Sergeant Robert Hayes. [Verbal]
 Action: _____
 - d. Second Reading of Ordinance
 - 1) Declaring a ban on the sale of recreational marijuana by medical marijuana dispensaries and declaring an emergency. [Pages 23-24]
 Action: _____ ORD. NO. _____
 - e. First Reading of Ordinances
 - 1) Consumers Power, Inc. Franchise Agreement. [Page 25; ordinance available Wednesday]
 Action: _____ ORD. NO. _____
 - 2) Amending the PP&L Franchise Agreement. [Page 26; ordinance available Wednesday]
 Action: _____ ORD. NO. _____
 - f. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) August 17, 2015, Work Session minutes. [Pages 27-28]
 - 2) Approving the full on-premises sales, commercial establishment, change ownership liquor license application for Marwood Concepts, Inc., d/b/a Loafers Station, located at 222 Washington Street SW. [Page 29]
 Action: _____
 - g. Award of Bid
 - 1) MS-14-01, OPS crew quarters, to Baldwin General Contracting, Inc. [Pages 30-33]
 Action: _____
 - h. Report
 - 1) Adopting findings for denial of Planning File CP-01-14 and ZC-100-14, Comprehensive Plan Map and Zoning Map changes, for property located at 241 Waverly Street SE; Linn County Assessor's Map No. 11S-3W-0500, Tax Lot 400. [Pages 34-42]
 Action: _____

5. BUSINESS FROM THE COUNCIL
6. NEXT MEETING DATE: Work Session: October 12, 2015
Regular Session: October 14, 2015
7. ADJOURNMENT



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Bob Richardson, Planning Manager *RAR*
Anne Catlin, Planner III *alc*

DATE: September 16, 2015, for the September 23, 2015, City Council Meeting

SUBJECT: Public Hearing on Community Development Block Grant (CDBG) 2014 Annual Report and Community Needs

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Action Requested:

Staff recommends the City Council hold a public hearing for two purposes:

- 1) To consider comments on the City's 2014 Consolidated Annual Performance and Evaluation Report (CAPER); and,
- 2) To consider comments regarding the City of Albany's community development needs that could be addressed with Community Development Block Grant (CDBG) funding.

Staff also recommends Council authorize staff to submit the CAPER to the U.S. Department of Housing and Urban Development (HUD).

Discussion:

In 2013, the City of Albany became an entitlement community. This means that Albany receives an annual formula grant from HUD to implement a wide variety of community and economic development activities directed towards neighborhood revitalization and the provision of improved community facilities and services. The purpose of the CDBG Program is to develop viable communities by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income.

As part of the CDBG program, the City was required to create a 5-year Consolidated Plan. The current Consolidated Plan was created in 2013 and runs through 2017. Each year, the City is also required to report on progress made toward achieving goals in the Consolidated Plan, and to create an annual Action Plan for accomplishing goals in the Consolidated Plan. As discussed below, both the Consolidated Plan progress report and creation of the annual Action Plan require consideration through public hearing(s).

CAPER

Each year, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD within 90 days of the close of each program year. The City Council hearing gives the public an opportunity to provide feedback on the City's performance in carrying out CDBG activities as reported in the 2014 CAPER.

The 2014 HUD program year corresponds with the City's 2014-2015 fiscal year (although it should be noted that some projects accomplished during this time period were funded with money from the 2013 CDBG grant). The 2014 CAPER (Attachment A) reports the accomplishments the City has made on goals and objectives of both the five year Consolidated Plan and the 2014 Annual Action Plan during the City's 2014-2015 fiscal year.

In fiscal year 2014-15, CDBG funds served 311 low-income Albany residents with job skills training, infant abuse prevention, G.E.D. testing, at-risk youth outreach and shelter acquisition, shelter for victims of domestic violence and women with children, transitional housing for homeless residents, housing rehabilitation, and small business development. Funds also replaced a 1,200-foot stretch of Periwinkle Path north of Queen Avenue.

The CAPER has been available for public comment for 30 days. To date, no comments have been received. The CAPER is due to HUD October 1, 2015. Staff is seeking authorization to submit the 2014 CAPER to HUD in compliance with stipulated program timelines.

Needs Assessment

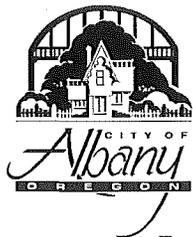
A required step in the CDBG program development process is to provide opportunities twice a year for the public to comment on the City's needs that could be addressed with CDBG funding. The hearing scheduled for September 23, 2015, is the second hearing for the year. Based, in part, on comments received during this public hearing, the Community Development Commission will evaluate community needs this fall and propose a funding strategy for Council consideration in the 2016 Action Plan. Council consideration of the 2016 Action Plan will occur during a future City Council meeting. Activities in the 2016 Action Plan will begin July 1, 2016.

Budget Impact:

Receiving public input and submitting the annual report does not have a direct budget impact. However, submittal of annual reports is required in order to continue receiving CDBG funds in the future.

AC:rk

Attachment A: 2014 Consolidated Annual Performance and Evaluation Report (CAPER)



City of Albany, Oregon
Consolidated Annual Performance Evaluation and Report
For the Community Development Block Grant (CDBG) 2014 Program Year
Due to HUD: October 1, 2015

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)
This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Albany receives an annual Community Development Block Grant (CDBG) entitlement from the U.S. Department of Housing and Urban Development (HUD). As a recipient of CDBG funds, the City is required to prepare a five-year strategic plan that identifies community needs, prioritizes these needs, and establishes goals and objectives to meet the needs. This five-year plan is called the Consolidated Plan.

Each year the City is also required to provide the public and HUD with an assessment of its accomplishments towards meeting the goals and objectives identified in the 2013-2017 Consolidated Plan. This report is called the Consolidated Annual Performance Evaluation and Report (CAPER). The CAPER also evaluates Albany's progress toward meeting the one-year goals identified in the Annual Action Plan.

The Fiscal Year 2014 Annual Plan was the City's second program year of Albany's 2013-2017 Consolidated Plan. The City received \$389,457 in CDBG funding for the 2014 program year that ran July 1, 2014 through June 30, 2015. In addition, the City carried over \$341,603 in 2013 program year CDBG funds into FY 2014.

In FY 2014, the City spent a total of \$498,461 in CDBG funds and served 311 Albany residents with jobs skills training, infant abuse prevention, G.E.D. testing, at-risk youth outreach and shelter acquisition, shelter for victims of domestic violence and women with children, transitional housing for homeless residents, housing rehabilitation, and small business development. Funds improved the accessibility and safety of Periwinkle Path by removing blighting conditions in one of Albany's local target areas, and also sponsored a fair housing training for landlords.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Table 1 on the following page compares the proposed outcomes with actual outcomes of the City's progress towards completing the 5-year goals identified in the Consolidated Plan and priorities identified in the 2014-15 Action Plan.

Table 1 – Accomplishments - Program Year and Five Year Strategic Plan to Date

Goal	Anticipated Five Year CDBG Allocation	14-15 CDBG Allocation	Indicator/Activity	Unit of Measure	Expected Five Year Outcome	Actual Five Year Outcome	Five Year Percent Complete	Expected 14-15 Outcome	Actual 14-15 Outcome	14-15 Percent Complete
1. Remove Barriers to Accessibility	\$222,000	\$0	Public Facility or Infrastructure Activities: Curb Ramp and Sidewalk Repairs	Curb Ramps Improved	50	0	0%	0	0	0%
	\$0	\$33,800	Public Facility or Infrastructure Activities: Periwinkle Path and Sunrise Park Improvements	Persons Assisted	0	0	0%	Reported under 7. Remove Blighting Influences		
2. Improve Affordable Housing	\$400,000	\$68,000	Housing Rehabilitation	Owned Units	20	4	20%	4	0	0%
				Rental Units	20	0	0%	0	0	0%
3. Increase Economic Opportunities	\$280,000	\$0	Facade treatment/business building rehab	Businesses Assisted	2	0	0%	0	0	0%
		\$19,550	Microenterprise Assistance, Small Business Development., Job Creation	Businesses Assisted	150	40	27%	15	40	100%
		\$29,550		Jobs Created	40	13	33%	4	13	100%
4. Further Fair Housing	\$10,000	\$1,000	Education and Outreach	Households Assisted	100	28	28%	20	13	90%
5. Reduce Homelessness	\$160,000	\$0	Homelessness Prevention	Persons Assisted	50	7	14%	0	0	0%
		\$43,800		Trans'l Beds Added	20	17	85%	6	12	100%
6. Provide Public Services	\$302,000	\$57,400	Public Service Activities	Persons Assisted	500	294	59%	100	283	100%
7. Eliminate Blighting Influences	\$152,000	\$58,500	Public Facility or Infrastructure Activities	Persons Assisted	4000	1000	25%	2000	0	0%

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City of Albany allocated funding to address the following Consolidated Plan priorities and objectives in the FY 2014 Action Plan:

1. Remove Barriers to Accessibility:

Curb Ramps and Sidewalks: The City met with residents in Census Tract 208 to identify infill sidewalk and intersection safety improvements needed to improve the safety and accessibility of routes to schools and services in the Sunrise neighborhood.

Accessibility Improvements at or near Public Facilities: The City used FY 2013 and 2014 CDBG funding to improve the accessibility of Periwinkle Path. The City repaired and replaced 1,200 lineal feet of Periwinkle Path, which was deteriorating to the point of being dangerous to use, and reduced the grade of the path where it intersected with Queen Avenue.

2. Maintain and Improve the Quality of Affordable Housing: In FY 2014, the City provided deferred payment, no-interest loans to four low-income households to rehabilitate four owner-occupied housing units located in Albany's two Target Areas, Census Tracts 204 and 208. This depleted the FY 2013 funding for this program. This program is ongoing. The City will be offering rehabilitation grants this year to improve housing occupied by households earning 60% of the Area Median Income (AMI). This will help address rehabilitation needs identified for housing units awaiting weatherization assistance.

3. Increase Economic Opportunities:

Microenterprise and Small Business Assistance: In FY 2014, CDBG funds (FY 2013 funds) provided scholarships to 18 low-income Albany residents to take microenterprise courses at Linn-Benton Community College (LBCC) and provided 49 hours of one-on-one advising. The programs help residents learn how to start a business. CDBG funds were also used to provide partial scholarships to 12 business owners to take management courses in order to gain skills to grow their businesses. Eighty-four hours of one on-one advising were provided. A Spanish-speaking instructor provided 19 hours of training and one-on-one advising to 12 Spanish-speaking residents.

Job Creation: Albany residents taking courses and receiving one-on-one advising at LBCC's Small Business Development Center resulted in 13 new jobs made available or held by Albany low- and moderate-income residents. Eight jobs were created by new start up microenterprises and five LMI jobs were created by existing businesses. The City developed a small grant program for microenterprises to offset start-up costs or the costs to add jobs for LMI residents (LMI jobs). This program resulted in two new LMI jobs.

4. Further Fair Housing: In 2014, the City partnered with the City of Corvallis to hire the Fair Housing Council of Oregon to provide a fair housing training for landlords. Roughly eight resident landlords attended the training. City staff also investigated complaints from three households.

5. Reduce Homelessness: The City provided CDBG funding to add transitional housing beds and youth shelter beds to reduce the number of homeless residents. In addition, public services were provided to prevent homelessness of at-risk residents (discussed under 6 below).

Transitional Housing Beds: FY 2013 and 2014 CDBG funds helped Albany Helping Hands acquire two houses to be used as transitional housing, adding a total of seven beds.

Youth Shelter Beds: FY 2014 funds were given to Jackson Street Youth Shelter to help them acquire a building to be used as a youth shelter, adding 10 beds. The shelter provides short-term emergency housing and longer-term transitional housing as needed.

6. Public Services: FY 2014 funds were awarded to reduce homelessness and provide services to Albany's special needs and low-income residents. Specifically, funds were granted to agencies to prevent youth homelessness through outreach and counseling, help special needs residents prepare and take the G.E.D. exam, provide shelter to Albany victims of rape and domestic violence, and provide shelter to homeless women with children.
7. Eliminate Blighting Influences in Low- and Moderate-Income Neighborhoods: The Consolidated Plan identified park equipment replacement and pedestrian path improvements as priority needs to remove blighting influences in one of Albany's low-income Census Tracts, Tract 208.

Periwinkle Path: In the 2014-15 program year, the City completed replacement of a 1,200 lineal feet stretch of Periwinkle Path that had become unsafe due to old and deteriorating concrete. The project removed blighting influences and unsafe conditions. (COMPLETE)

Sunrise Park Improvements. The Consolidated Plan identified the need to replace the 1980s era park equipment at Sunrise Park in Census Tract 208 with all new park facilities that meet current accessibility and safety standards. The park design will reduce vandalism and illegal activities that create blighting influences in the neighborhood. Additional FY 2014 CDBG funds allowed the project to add a parking lot to provide accessible parking spaces. The parking lot triggered the need to revise the environmental review record. The presence of hydric soils triggered the need for wetland delineation. The delineation is awaiting approval from the Oregon Department of State Lands. Park construction will commence after the delineation and subsequent removal and fill permit are approved, possibly during this fiscal year.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

Table 1 – Table of assistance to racial and ethnic populations by source of funds

Race	Residents Assisted
White	290
Black or African American	7
Asian	1
American Indian or American Native	10
Native Hawaiian or Other Pacific Islander	3
Total Residents	311
Ethnicity	
Hispanic	61
Not Hispanic	250

Narrative

During FY 2014, most of the 311 residents directly assisted with CDBG programming through public services, housing rehabilitation, and economic development opportunities were white. The ethnicity of Albany's residents served included 20% of Hispanic origin.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Table 2 – Resources Made Available

Source of Funds	Resources Made Available	Amount Expended During Program Year
CDBG	\$791,811	\$498,461

Narrative

CDBG expenditures reimbursed through June 30, 2015, included funding for public services to remove blighting influences through public improvements to Periwinkle Path in Target Area Census Tract 208, housing rehabilitation, fair housing education, microenterprise training, small business assistance, reducing homelessness by adding transitional and shelter beds, and planning and administrative costs.

Goal	Activity	13-14	14-15
Remove Barriers to Accessibility	Periwinkle Path Improvements	\$11,313	\$0
Remove Blighting Influences in LMI Areas	Periwinkle Path Improvements	\$50,000	\$39,000
Affordable Housing - Maintain Livability	Housing Rehabilitation (owner-occupied deferred loans)	\$80,000	\$0
Economic Opportunities	Microenterprise Development	\$20,000	\$0
Economic Opportunities	Small Business Development	\$30,000	\$0
Reduce Homelessness	Transitional Housing Acquisition	\$32,000	\$8,800
Reduce Homelessness	Youth Shelter Acquisition	\$0	\$35,000
Public Services	Infant Abuse Prevention	\$30,150	\$0
Public Services	Youth Job Skills Training	\$30,150	\$0
Public Services	Shelter for Women with Children	\$0	\$9,230
Public Services	G.E.D. Program for Persons in Recovery	\$0	\$9,993
Public Services	At-risk Youth Outreach and Case Management	\$0	\$19,435
Public Services	Shelter for Victims of Rape and Domestic Violence	\$0	\$17,000
Public Services	Fair Housing Landlord Training	\$0	\$375
Program Administration	Staffing, Training, Advertising, Translation	\$18,807	\$57,208
	TOTALS	\$302,420	\$196,041

Identify the geographic distribution and location of investments

Table 3 – Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation in 14-15	Actual Percentage of Allocation
Census Tracts 204 & 208	52%	67%

Narrative

The City allocated \$204,100 in 2014 CDBG funds to activities in Albany's two low- and moderate-income target areas, Census Tracts 204 and 208. The City completed improvements to Periwinkle Path in Census Tract 208 and helped two agencies acquire properties in Census Tract 204 for homeless housing (two transitional housing units and a youth shelter).

- \$68,000 for housing rehabilitation (not complete);
- \$39,000 for Periwinkle Path improvements (complete);
- \$19,500 for Sunrise Park improvements (not complete);
- \$33,800 to remove barriers to accessibility in the Sunrise area (not complete); and
- \$43,800 for homeless housing (complete).

The City held two neighborhood meetings with residents in the Sunrise neighborhood, located in Census Tract 208. The Sunrise Park remodel is the community's top priority project because it will remove blighting influences in the neighborhood while restoring community pride. The project is delayed due to the need to address wetlands on the site. FY 2013, 2014, and 2015 funding is allocated to complete the park remodel. CDBG funds have also been allocated to sidewalk and curb ramp improvements in the Sunrise area to improve the safety and accessibility of primary routes to the local elementary and middle schools.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Albany's CDBG-funded activities leveraged private, state, and local funds in the 2014 Program Year:

- Housing Rehabilitation—CDBG funds leveraged \$38,050 in local funding and \$575 in Federal weatherization funding, and private grant funds.
- Small Business Management Program – CDBG funds leverage approximately \$5,000 in private funding from business owners, and \$2,000 in state education funding.
- YouthBuild Job Training Public Services Program—CDBG funds leveraged \$35,420 in Oregon Youth Conservation Corps and Federal Workforce Investment Act funding.
- Local public service agencies receiving FY 2014 CDBG funding leveraged almost \$33,000 in private funds.

No publicly owned land within the City of Albany was used to address housing, homeless, or other special needs identified in the Consolidated Plan.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

Table 4 – Number of Households

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	4	6
Number of Non-Homeless households to be provided affordable housing units	3	3
Number of Special-Needs households to be provided affordable housing units	1	1
Total	8	10

Table 5 – Number of Households Supported

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	4	4
Number of households supported through Acquisition of Existing Units	0	0
Total	4	4

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Homeless provided housing: FY 2013 and 2014 CDBG funds were awarded to Albany Helping Hands, a local homeless shelter, to help them acquire two houses to be used as supportive transitional housing, adding a total of seven beds to the City's stock. One house provides five beds for five homeless individuals; the other provides two beds and is serving a two-person household.

Non-homeless households provided housing units and housing rehabilitation of existing units: FY 2013 CDBG funds provided loans to rehabilitate four low-income households through the housing rehabilitation deferred loan program. Four homes were rehabilitated in FY 2014, including one home owned by a disabled elderly resident. The FY 2014 CDBG allocation of \$68,000 to housing rehabilitation programs has not been spent. The Community Development Commission has decided to offer grants this year instead of loans as originally contemplated for housing rehabilitation of units occupied

by households earning less than 60% of the Area Median Income (AMI). About 30 low-income households on the waiting list for weatherization services also need housing rehabilitation. The rehabilitation grants will be offered in conjunction with weatherization. The City has no concerns meeting the five-year plan goals to improve the quality of affordable housing units; however, the City may have overestimated the number of rental units that will be rehabilitated with CDBG funding.

Special Needs Housing: This strategic plan goal is currently being addressed without the need for CDBG resources. Cascades West Council of Governments, a regional governmental agency, provides services to seniors, including services to help senior and disabled residents stay in their homes. The Linn Benton Housing Authority is the primary provider of affordable senior housing and housing for Albany’s disabled residents.

CDBG funds are available to improve housing for Albany’s special needs populations. Housing rehabilitation and essential repairs funding is available to help seniors stay in their homes or to address housing of other special needs residents. One disabled resident (noted previously) received a housing rehabilitation loan in 2014.

Discuss how these outcomes will impact future annual action plans.

The City will evaluate whether or not there is a need to assist special needs populations with housing.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Table 6 – Number of Persons Served

Number of Persons Served	CDBG Actual
Extremely Low-income (0-30% MFI)	196
Low-income (31-50% MFI)	43
Moderate-income (51-80% MFI)	47
Total	286

MFI = Median Family Income

Narrative Information

Client surveys were required for Albany residents receiving CDBG funding through public services or directly through housing rehabilitation programs or business development programs. The number of persons served in Table 7 is different than reported elsewhere because some of the CDBG-funded services were provided to at-risk children and youth. In addition, family income was estimated by at-risk youth. Two thirds of the residents/households assisted with CDBG funds in FY 2014 were extremely low-income, earning 30 percent or less of the median family income (MFI). Not included in the table are 15 at-risk youth whose families earned 81% or more of the MFI.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

A goal of the five-year Consolidated Plan is to prevent 50 residents from becoming homeless.

A local non-profit public service agency, Jackson Street Youth Shelter, received FY 2014 funding to do outreach and case management to Albany's homeless and at-risk youth at the Cornerstone Outreach Center. The agency assesses the needs of these young residents and works to reconnect them with their families or provide them with the skills to live independently. Jackson Street Youth Shelter served 104 of Albany's at-risk teens.

Addressing the emergency shelter and transitional housing needs of homeless persons

FY 2013 and 2014 CDBG funds were used to acquire two transitional housing units by Albany Helping Hands Shelter. The housing units are providing homeless residents stable housing that requires residents to participate in a "life-skills" program. One house has five adults and the other has two adults.

FISH of Albany received FY 2014 CDBG funds to provide shelter services to Albany's homeless women with children. In FY 2014, FISH sheltered 23 Albany residents for extended periods of time.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The 2014-15 Action Plan identified the following strategies and activities to help homeless residents and to prevent homelessness of Albany residents:

- Homeless Individuals – The Albany Helping Hands Shelter works with homeless and chronically homeless residents by encouraging them to enroll in their life-skills program. CDBG Funds helped expand the program by providing supportive transitional housing beds that will transition some of Albany's chronically homeless residents into supportive housing. The agency prepares life improvement plans and provides supportive services for approximately 12 months to include numerous life skills classes.
- Homeless Women with Children – FISH of Albany's Guest House received CDBG funding to expand their services to provide case management and support services to Albany's homeless women with children. In FY 2014, the Guest House rescued eight adult women and nine children from

homelessness. To date, five of these families transitioned into permanent housing and are paying rent. All families were connected to community resources and staff worked to develop the women's conflict resolution skills, financial management, cooking, hygiene, housekeeping and other independent living skills.

- Unaccompanied Youth – Jackson Street Youth Shelter provided street outreach and counseling to 104 of Albany's unaccompanied and at-risk youth. The agency also used CDBG funds to acquire a shelter building to be used as a youth shelter with transitional housing and support services for Albany's youth. The shelter opened in May 2015. Youth who do not have a place to return to can enroll in the Transitional Living Program. The program promotes self-sufficiency and will develop and work on a case plan using the Positive Youth Development approach.
- Victims of Domestic Violence and Sexual Assault – CDBG funds helped the Center Against Rape and Domestic Violence (CARDV) provide case management and safe shelter for 45 Albany victims until they were able to return home or make arrangements for safe housing.
- Substance Abuse – the recovery center Community Helping Addicts Negotiate Change Effectively (C.H.A.N.C.E.) staff worked with clients to help them prepare for and take the G.E.D. exam, an important first step in providing a foundation for the future.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

FY 2013 CDBG funds spent in 2014 enabled the Family Tree Relief Nursery to expand their services to provide in-home infant child abuse prevention services to 57 Albany residents. This program helps prevent children from entering the foster care system. All of the children served this year stayed living safely with their families. In addition, the program helped parents gain valuable skills to reduce their risk of becoming homeless.

FY 2014 CDBG funding awarded to Jackson Street Youth Shelter provided case management to Albany's homeless and unaccompanied youth. These services will prevent the number of youth going into correctional institutions and is available to help those leaving these institutions. FY 2014 CDBG funds were also provided to the agency to acquire a building for a youth shelter that will also provide transitional housing for youth needing longer stays. Jackson Street staff helped Albany's at-risk youth gain skills to live independently and to address issues occurring within their families that caused them to become homeless.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The Linn Benton Housing Authority, the local housing authority, provides public housing and addresses needs of residents in public housing. City of Albany CDBG funds are not currently allocated to addressing needs of public housing.

The City consulted with the housing authority regarding needs that could be addressed with CDBG funds. There is demand for more housing for Albany's residents with mental disabilities. The housing authority is beginning to explore how to address these needs. The City will stay involved in these discussions.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

None.

Actions taken to provide assistance to troubled PHAs

None.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Albany's land use policies are generally favorable and support affordable housing, including density bonuses for affordable housing and provisions for accessory apartments. Additional affordable housing strategies were identified for further evaluation in the Albany Development Code and included in the Consolidated Plan. The City did not allocate resources to this effort in FY 2014.

The City provided four no-interest deferred loans to rehabilitate four low-mod housing units. Two loans went to households earning 50% or less of the MFI and two loans were to households earning less than 80% of the MFI. These loans improved the livability of these households and will provide long-term affordability.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

Albany is fortunate to have a network of agencies that work together to meet the needs of Albany's underserved populations, including the elderly and disabled, residents dealing with addiction, and persons with mental, physical, or developmental disabilities. Lack of CDBG funding is the primary obstacle to meeting underserved needs. The City has allocated the maximum of 15% of its entitlement grant to public services each year to date.

The 2014-15 Action Plan identified the need to support residents with alcohol and drug addiction and victims of domestic violence or child abuse. In FY 2014, public service agencies provided support to five agencies to provide a variety of support services to Albany's underserved residents, and specifically addressed the Plan goals with the following services:

- Victims of Domestic Violence and Sexual Assault: the Center Against Rape and Domestic Violence received a grant of \$17,000 to expand their services for Albany residents. Funds were used to shelter 45 Albany residents in local hotels and safe houses.
- Child Abuse: the Family Tree Relief Nursery continued work in FY 2014 using CDBG funds to pay for an infant abuse prevention specialist to provide in-home counseling and case management to reduce the incidents of child abuse.
- Addiction Services: C.H.A.N.C.E., a local recovery agency, received \$10,000 in FY 2014 CDBG funds to pay for the costs associated with clients who need to take the G.E.D. exam and any preparatory courses. This program helped 50 clients gain skills and helped them further their education and employment. Of these residents, nine received their G.E.D., five are still working towards this goal, and five residents are pursuing other career paths that do not require a high-school certification.

The City will continue to work with area agencies and other public and governmental entities to identify ways to collaborate resources and programming to address underserved needs.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City's 2014-15 Action Plan identified the following actions to be taken to address lead-based paint hazards.

- General Public Awareness: the City distributes lead hazard information pamphlets to residents seeking information about housing repairs to historic homes. The City provides links to lead safety information and brochures produced by the EPA and HUD from the City's website.
- Housing Rehabilitation Program Delivery: Lead hazard information is distributed to applicants applying for the housing rehabilitation loans and for any projects involving painted structures built before 1978. Loan recipients sign a lead disclosure form. Contractors working on the site are lead-certified and must comply with the EPA Renovate, Repair and Painting laws in addition to HUD's federal regulations. When rehabilitation projects involve homes constructed before 1978, a lead hazard evaluation will be conducted on surfaces that are proposed to be disturbed, or it will be assumed that lead is present. All contractors will use lead-safe work practices and interim controls or standard treatments must be taken on all applicable painted surfaces and presumed lead-based paint hazards by a qualified contractor.

A HUD monitoring visit in July 2015 identified additional steps that must be taken to reduce lead-based paint hazards, including the lead clearance test following the housing rehabilitation.

To ensure compliance with lead based paint standards by the City's subrecipient and all contractors, the City is developing a step-by-step instruction guide with reference to the federal regulations regarding lead based paint for housing rehabilitation projects.

City staff attended a lead-based paint training in August 2015 and has encouraged housing rehabilitation program staff (Community Services Consortium, who is a City grant subrecipient) to be lead-certified and to attend other trainings as necessary.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

During the 2014 program year, the City took the following actions to reduce the number of poverty-level families in Albany:

- Increase Economic Opportunities: CDBG funding provided scholarships to low-income Albany residents to enroll in microenterprise courses that help residents learn how to start a business. Funds also provided reduced tuition to Albany's low-income microenterprises to enroll in the Linn-Benton Community College Small Business Management Program. In 2014, the City awarded two grants to start-up microenterprises to offset the costs of starting the business. These programs have added 13 full-time equivalent jobs to date.
- Provide Public Services: in FY 2014, the City allocated 15% of its entitlement award to public service grants. Five agencies and programs were selected for funding that serve Albany's lowest income residents, homeless residents, at-risk residents, and residents in recovery from alcohol and drug addiction.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Albany is fortunate to have a strong institutional structure in place to coordinate delivery of services.

The City partnered with many agencies this year through CDBG grant programs, which helped to strengthen the institutional structure. The City worked with subrecipients to ensure successful implementation of their programs to achieve the desired outcomes.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

In 2014, the City took the following actions to enhance coordination between public and private housing and social service agencies:

- Staff met with the local housing authority and Linn County Mental Health to discuss needs of Albany's residents with mental disabilities.
- City staff met with several divisions of the local community action agency, Community Services Consortium, to discuss affordable housing needs, housing rehabilitation needs, and preventing residents from becoming homeless. The City has a CDBG subrecipient contract with Community Services Consortium to provide housing rehabilitation programs.
- City representatives participate in the Homeless Enrichment and Rehabilitation Team (HEART) meetings. HEART is comprised of various social service, health, housing, homeless advocates, and governmental agencies that work collaboratively to identify the needs of Albany's homeless and at-risk residents.
- Staff attended regional meetings to foster coordination between housing and social service agencies. Fortunately, other agencies are also working to make these connections, such as the Linn Benton Health Equity Alliance, the Linn Benton Housing Authority, and the Community Services Consortium.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City took the following action in FY 2014 to overcome the effects of impediments identified in *Albany's Analysis of Impediments to Fair Housing Choice and Plan* adopted in 2014.

- Lack of Understanding of Fair Housing Laws and Resources Available: The City sponsored a fair housing training for landlords. Approximately eight landlords attended this training. The City provided a landlord training about safety and livability that addressed site and neighborhood safety issues and common building code violations. Approximately 30 landlords attended this training.
- Linguistic and Cultural Barriers: The City distributed fair housing brochures provided by the Fair Housing Council of Oregon in English and in Spanish to area agencies. The City of Albany has a fluent Spanish-speaking staff member that was able to communicate with several residents about housing conditions that were reported and to provide fair housing brochures.

- Discriminatory housing rental practices: The City of Albany received three complaints from Hispanic residents regarding apartment living conditions and two complaints regarding fair treatment. Three cases were referred to the Fair Housing Council of Oregon (FHCO); however, not enough evidence was provided to initiate a case by FHCO. Staff encouraged two residents to allow the City to inspect their units. City code enforcement staff is working with these two landlords to make repairs to the units to improve their livability. Staff wrote letters to the subject landlords and mailed them fair housing and landlord tenant brochures.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Desk-Monitoring: The City requires subrecipients to submit monthly and quarterly reports in order to monitor progress and identify issues on an on-going basis. Quarterly reimbursement requests are also encouraged so that financial records can be monitored regularly.

On-site Monitoring: The Consolidated Plan specifies that the City will conduct a risk-analysis to determine which programs are subject to a site monitoring visit. Because HUD was monitoring the City's CDBG programs in July 2015, the City elected to do a site monitoring visit of all subrecipients to determine if any had compliance requirements to address. The results of site monitoring were that, overall, subrecipients are using the proper forms to verify compliance with national objectives, have sound financial practices and anti-discrimination policies and practices, and are using good record keeping practices.

Future on-site monitoring will be determined by a risk-assessment. The City is preparing policies and procedures for conducting a monitoring risk-assessment to determine which programs and subrecipients have higher risks for compliance.

Lead Paint Monitoring: The City's monitoring forms were not adequate to ensure that lead-based paint hazard reduction standards were followed on-site with the housing rehabilitation projects. Staff will prepare a manual for lead-based paint compliance and will develop a lead-paint monitoring forms to ensure future compliance with all federal lead-based paint regulations.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

Albany's Citizen Participation Plan requires a 30-day comment period on the CAPER. The Citizen Participation Plan requires the City to distribute a press release for comments on the CAPER and to post the notice on the City's website. The press release was also distributed to an email list of local service and housing agencies. The CAPER was available in print at Albany's two public libraries and also at Albany City Hall.

The CAPER was made available 30 days prior to the City Council public hearing on the CAPER (held September 23, 2015). The City Council public hearing also accepted citizen input on community development needs that could be addressed in future action plans.

The Community Development Commission also took comments on the CAPER at the September 21, 2015, meeting. All meetings of the Community Development Commission are open to the public and the agendas and agenda packets are available on the City's website. Citizens are welcome to attend all meetings.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

After two years of being a CDBG entitlement city, the City of Albany is coming to a better understanding of which types of programs are able to meet national objectives and all federal regulations, are attractive to residents, and produce the intended outcomes identified in the Consolidated Plan. Due to limited CDBG funding and staffing resources, the City is considering amendments to the following programs:

Economic Development – Commercial Rehabilitation: The City started a small grant program available to new businesses to offset start up costs. Initially, the City thought the grants could help businesses remove blighting conditions in Albany's low-income Census tracts through building improvements. However; grant funds are too small for building rehabilitation. In addition, there is urban renewal financial assistance for improvements to buildings located within the urban renewal district. The City will amend the Consolidated Plan in the future to remove the commercial rehabilitation goal to improve two commercial buildings.

Housing Rehabilitation – In General: The City's housing market analysis identified thousands of aging housing units and households that are experiencing housing cost burden. The rehabilitation loan program was designed to improve the quality and affordability of Albany's housing stock. Due to the economic downturn, and extremely low-incomes of residents, the City is finding there is less demand for loans than originally anticipated. The City has decided to change the essential repairs grant program to offer larger grants that can be used for housing rehabilitation. This shift should enable the City to meet the housing rehabilitation objectives in the Consolidated Plan for owner-occupied units, where there is the most demand.

Housing Rehabilitation – Rental Units: Due to the challenges of ensuring rental units remain affordable for a minimum time period, and the limited amount of funding, it is unlikely the City will be able to rehabilitate 20 rental units in the 2013-2017 Consolidated Plan time period.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No.

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

Not applicable.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ALBANY DECLARING A BAN ON THE SALE OF RECREATIONAL MARIJUANA BY MEDICAL MARIJUANA DISPENSARIES, AND DECLARING AN EMERGENCY

WHEREAS, the Oregon Medical Marijuana Act created a system for the transfer of medical marijuana between growers and patients and caregivers through medical marijuana dispensaries; and

WHEREAS, the voters adopted Measure 91 in November 2014, which provides criminal immunity for people aged 21 or older who possess certain amounts of marijuana and directs the Oregon Liquor Control Commission to license the retail sale of marijuana; and

WHEREAS, the Oregon Liquor Control Commission has not yet licensed the retail sale of recreational marijuana; and

WHEREAS, the Legislature enacted Senate Bill 460 (2015) to allow medical marijuana dispensaries to sell limited marijuana retail product starting October 1, 2015; and

WHEREAS, Senate Bill 460 (2015) provides that a city may adopt ordinances prohibiting the sale of limited marijuana retail product from medical marijuana dispensaries; and

WHEREAS, the City Council wants to prohibit the sale of marijuana retail products from medical marijuana dispensaries in the City to protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City;

NOW THEREFORE, BASED ON THE FOREGOING, THE PEOPLE OF THE CITY OF ALBANY, OREGON DO ORDAIN AS FOLLOWS:

BAN DECLARED. The City of Albany hereby prohibits the sale of limited marijuana retail product from medical marijuana dispensaries in any area subject to the jurisdiction of the City of Albany as described in section 2 of Senate Bill 460 (2015).

DURATION OF BAN. The ban imposed by this ordinance will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.

EMERGENCY. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect when signed by the Mayor.

Passed by Council:

Approved by Mayor:

Effective Date: _____

ATTEST:

City Clerk

Mayor



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: September 15, 2015, for the September 23, 2015 City Council Meeting
SUBJECT: Consumers Power, Inc. Franchise Agreement Ordinance
RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

By ordinance, enter into a franchise agreement with Consumers Power, Inc. (CPI).

Discussion:

On June 22, 2015, the City Council adopted Ordinance #5855 amending the Municipal Code to include a franchise agreement with Pacific Power and Light (PP&L). The proposed ordinance sets forth the same terms and conditions in a franchise agreement with CPI. CPI has submitted written acceptance of the terms of the franchise agreement.

The agreement with CPI also implements a franchise fee increase from 5% to 7% so that residents served by CPI will be paying the same franchise fee as residents served by PP&L.

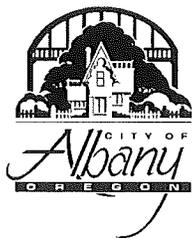
Budget Impact:

The rate increase was included in the adopted budget.

ST

Attachment: Ordinance

c: Sean Kidd, Deputy City Attorney
Jeff Blaine, Interim Public Works Director (Engineering/CD)



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Stewart Taylor, Finance Director
DATE: September 15, 2015, for the September 23, 2015 City Council Meeting
SUBJECT: Amend PP&L Franchise Agreement Ordinance
RELATES TO STRATEGIC PLAN THEME: ● Effective Government

Action Requested:

By ordinance, amend Ordinance #5855 to change the section headings to match the numbering in the Albany Municipal Code.

Discussion:

On July 22, 2015, the City Council adopted Ordinance #5855 amending the Municipal Code to include a franchise agreement with Pacific Power and Light (PP&L). The adopted ordinance did not include section headings compatible with the numbering in the Municipal Code. The proposed ordinance amendment changes the section headings to match the numbering in the Code. It does not change any of the terms and conditions of the franchise agreement.

PP&L has submitted written acceptance of the terms of the franchise agreement.

Budget Impact:

There is no budget impact. The proposed amendment only changes section headings.

ST

Attachment: Ordinance Amendment

cc: Sean Kidd, Deputy City Attorney

Jeff Blaine, Interim Public Works Director (Engineering/CD)

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, August 17, 2015
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, Bill Coburn, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors Absent: None

BUSINESS FROM THE PUBLIC

None.

CITY MANAGER PERFORMANCE EVALUATION

Konopa said Councilors had submitted evaluations for City Manager Wes Hare, and she invited him to make any comments. Hare said the evaluations were clear and fair, and he appreciates the kind comments as well as the suggestions made. He said one of his greatest concerns is financial issues and how we plan for the long-term fiscal stability of the City, and he thinks this has generally been done well. The City was able to maintain its rating and, thanks to the great work of the Finance Department, has had very clean audit reports. He has seen other cities get into trouble by not recognizing the importance of the audit process. The latest bond sale is an example of how good ratings can be valuable for a city.

Hare reviewed the five goals he laid out in his self-evaluation: 1) Complete the agreement with the City of Lebanon. Staff of the two cities have been working together and have made progress over the past few weeks and he is hopeful we will see a resolution soon. 2) Rebuild the Fire and Police Equipment Replacement Fund. There is a funding plan in place for this year and next; however, this remains a high priority item. 3) Keep the Police and Fire station projects on time and on budget. 4) Make sure the General Fund ending fund balance continues to increase. 5) Make progress toward funding stormwater, sewer, and transportation needs. There is a lot of need in these critical infrastructure areas and there will need to be discussions about funding sources that are equitable and palatable for the citizens.

Councilor Ray Kopczynski said a local citizen, Tom Cordier, has criticized Hare for not actively trying to reduce the scale and cost of government. In looking at the City Manager's job description, he could find only one item that even remotely addresses that point - Item 11, which is to "Assure that assigned areas of responsibility are performed within budget; perform cost control activities; monitor revenues and expenditures to assure sound fiscal control; prepare annual budget and Budget Message; assure effective and efficient use of budgeted funds, personnel, materials, facilities, and time." Kopczynski said Hare does all of those things admirably well and there is nothing in the job description that says the City Manager's primary task is to reduce government. Hare said the desired level of services is a policy decision for the City Council and the most recent Strategic Plan applies maintenance of service levels at a minimum. It's difficult to reduce the cost of government when the largest single cost, the cost of employees, cannot be controlled. The City has done targeted reductions throughout the City and participated with the unions and arbitration, but the idea that a City can unilaterally reduce the cost of pay and benefits for its employees isn't accurate.

Kopczynski asked if it would be fair to say that Albany has come through the recession as well as any other community across the state. Hare said he thinks so; the City's financial strength is good, and we were able to avoid forced layoffs for large numbers of employees and cut the work force 10 percent over time using retirements and other turnover. This helps staff to focus on their job instead of wondering if they will have a job, and performance has remained at a high level.

Councilor Floyd Collins said policy choices about levels of service should be considered every year going into the budget preparation process. Once Council sets service levels, it's the City Manager's responsibility to propose the most effective and efficient way of carrying them out. This year, Hare asked if staff should bring a package that includes starting to rebuild the equipment reserves which would probably be funded from increased franchise fees, and the direction from the Budget Committee was yes, bring us that package.

Council Rich Kellum said department budgets come with a prioritization which is not necessarily reviewed during the public process. Hare said one of his goals has been to do that Council prioritization through the Strategic Plan process, with the proposed budget then being crafted to meet the identified priorities. He said department directors typically lay out their department needs during budget presentations. For example, this year the Library Director

Albany City Council
August 17, 2015

reminded the Budget Committee that the materials budget is surviving on bequests; the Police Chief said he needs eight more officers; and the Fire Chief said response times have crept up due to reduced number of staff and rising number of calls. Since 2007, the General Fund budget has been very flat; when revenue is flat and personnel costs are dictated to increase, it becomes difficult to meet the goals.

Councilor Bessie Johnson said she doesn't want the Council to micromanage staff; however, she does want to encourage staff to look how things are being done and consider whether it would be beneficial to make technology or other changes. Hare said he tries not to be a defender of the status quo; staff has looked at and implemented different ways of doing things when it makes sense. If Council has ideas about this, he would like to have that discussion when the Strategic Plan comes to Council in October. Brief discussion followed regarding the Strategic Plan and budget setting processes.

Konopa said Hare has done a great job, his evaluations look good, and she doesn't see any issues. She initiated discussion about his compensation. Hare said he is not comfortable receiving an increase that is more than other employees. The non-bargaining unit received a 2.5 percent Cost of Living Allowance (COLA).

Discussion followed regarding the compensation as compared to department directors in Albany and city managers in other communities. Council reviewed Hare's compensation history and it was noted that he had foregone increases some years when other staff did receive increases.

MOTION: Kellum moved to increase the City Manager's base salary by 2.5 percent retroactive to the beginning of the fiscal year. Johnson seconded.

Kopczynski said Hare has done an excellent job over the years and he is concerned about some other community making a job offer that Hare can't refuse. Hare said he doesn't anticipate making a change.

Councilor Dick Olsen initiated additional discussion about Hare's compensation as compared to other city managers in comparable communities, including Corvallis where former Albany employee Mark Shepard is now the city manager. He would like to see Hare receive a larger increase.

The motion passed 5-1, with Olsen voting no.

Konopa presented Hare with a plaque and a \$25 gift card in appreciation of his 10 years of service.

COUNCILOR COMMENTS

Collins said the North Albany road project is nearly complete. Brief discussion followed.

Konopa said quite a few people came from out of town for her high school reunion. She heard a lot of great comments about how Albany has changed for the better, and people loved seeing downtown Albany and the historic buildings being revitalized.

CITY MANAGER REPORT

There was no additional report.

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Mario Lattanzio, Chief of Police *ML*
DATE: September 15, 2015, for September 23, 2015, City Council Meeting
SUBJECT: Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Marwood Concepts, Inc., dba Loafers Station, located at 222 SW Washington Street.

Action Requested:

I recommend the Full On-Premises Sales, Commercial Establishment, Change Ownership Liquor License Application for Marwood Concepts, Inc., dba Loafers Station, located at 222 SW Washington Street, be approved.

Discussion:

Dale and Cleona Marwood, on behalf of Marwood Concepts, Inc., has applied for a On-Premises Sales, Commercial Establishment, Change Ownership, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicants have no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council

VIA: Wes Hare, City Manager
Chris Bailey, Interim Public Works Operations Director *CB*

FROM: Staci Belcastro, P.E., Acting City Engineer *SB*
Nolan Nelson, P.E., Civil Engineer III *NN*

DATE: September 15, 2015, for the September 23, 2015, City Council Meeting

SUBJECT: Award of Bid for MS-14-01, OPS Crew Quarters

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends Council award this contract in the amount of \$900,000 to the low bidder Baldwin General Contracting, Inc. of Albany.

Discussion:

On Thursday, September 10, 2015, bids were opened for MS-14-01, OPS Crew Quarters. There were six bids submitted for this project, ranging from \$900,000 to \$1,300,000. The Engineer's estimate was \$1,100,000. A bid summary is provided as Attachment 1.

Project Description & Background

This project includes the construction of a new crew quarters building that will include meeting spaces, dry rooms, and offices for the following departments: Street Maintenance, Water Distribution, Wastewater Collections, Canal Maintenance, and Environmental Services. There are a total of 34 regular employees who will occupy this building.

Currently, 10 of 34 employees work out of a leased modular building. The modular building lease will be terminated upon completion of the new building. The remaining 24 employees are housed in shop buildings designed and constructed to store equipment and provide shop space over fifty years ago. The shop buildings were modified over time to house crews and provide dry rooms and equipment storage; however, they were not designed to serve as employee office or meeting space and, therefore, are substandard and difficult to maintain. There are issues with water entering the buildings, inadequate heating, ventilation, inadequate electrical wiring, absence of plumbing, and lack of clean storage.

Long-term planning for the Operations Site includes construction of the new crew quarters building and demolishing the existing crew/storage buildings. The new building will have space for staff that is safe, meets current building codes, and provides employee office space. Construction of new shop and equipment storage will be phased in over the next several years as funds are accumulated. Upon completion of the new crew quarters, the vacated buildings will be used for equipment storage and shop space until they are scheduled for demolition.

A project vicinity map is included as Attachment 2.

Summary of Total Estimated Project Costs

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the table below. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
I. Costs	
a. Engineering	\$ 100,000
b. Construction Management	\$ 15,000
<i>Engineering Subtotal</i>	\$ 115,000
II. Construction Costs	
a. Construction Contract	\$900,000
b. Contingency	\$ 90,000
<i>Construction Subtotal</i>	\$990,000
<i>Total Estimated Project Cost</i>	\$1,105,000
<i>Project Budget</i>	\$1,198,300
<i>Under/(Over) Project Budget</i>	\$ 93,300

Budget Impact:

This project will be funded from the Facilities Replacement Capital Fund (217-50-2018).

NN:ms

Attachments

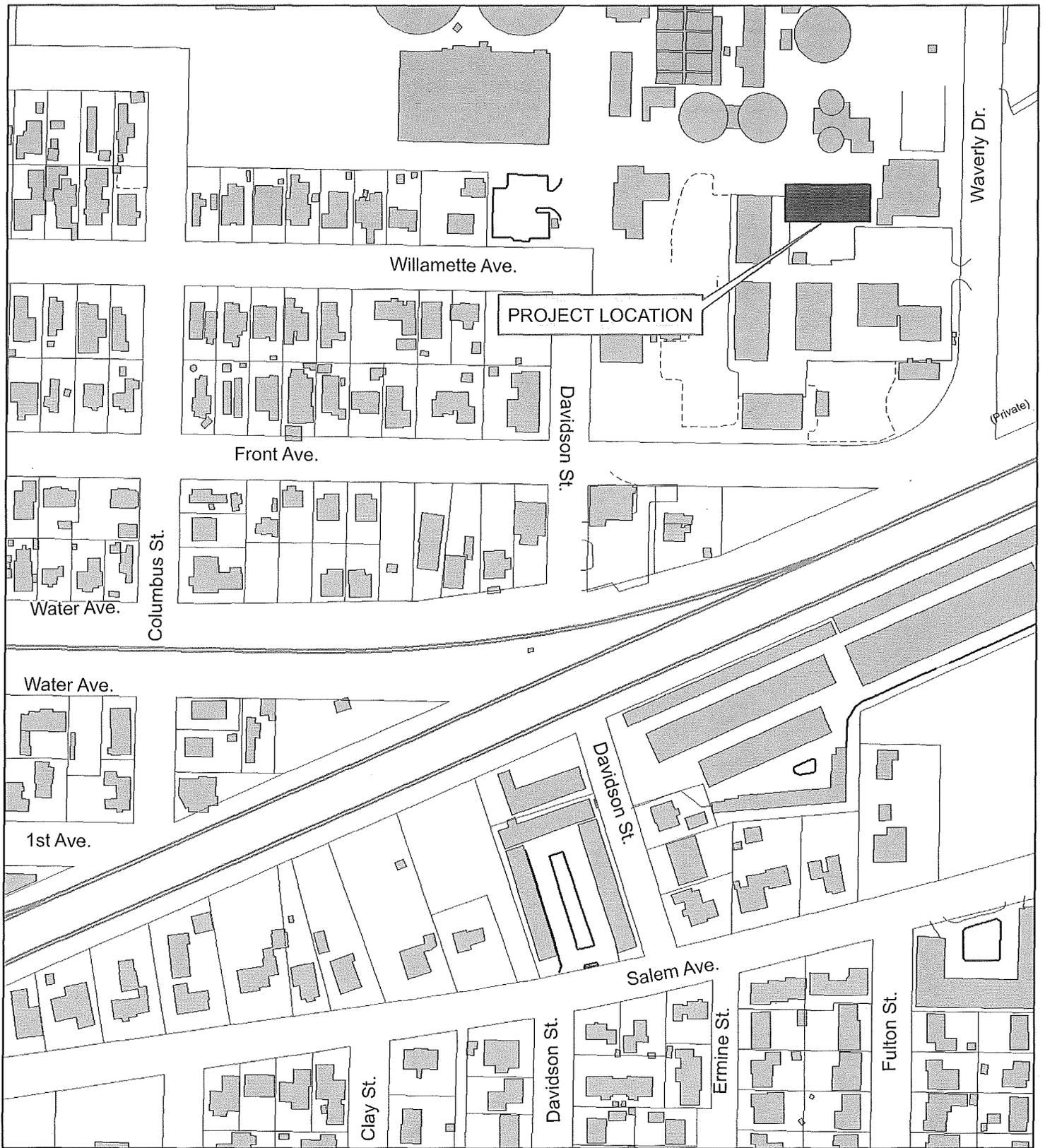


CITY OF ALBANY, OREGON
Public Works Department
Construction Contract Bids

Project: MS-14-01, OPS Crew Quarters

Bid Opening: Thursday, September 10, 2015

Engineer's Estimate	Baldwin General Contracting, Inc. (Albany)	2G, Inc., dba 2G Construction (Eugene)	PHI Construction, Inc. (Portland)	GBC Construction LLC (Corvallis)	Wildish Paving Co. dba Wildish Building Co. (Eugene)	2KG Contractors, Inc. (Portland)
1,100,000	900,000	1,100,700	1,155,261	1,223,950	1,290,000	1,300,000



PROJECT LOCATION

Willamette Ave.

Front Ave.

Water Ave.

Columbus St.

Water Ave.

1st Ave.

Davidson St.

Salem Ave.

Clay St.

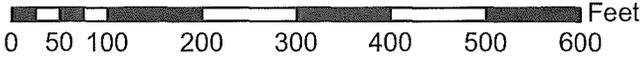
Davidson St.

Ermine St.

Fulton St.

Waverly Dr.

(Private)





TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: David Martineau, Project Planner *DM*

DATE: September 16, 2015 for the September 23, 2015, City Council Meeting

SUBJECT: Final Decision Regarding Planning File CP-01-14 and ZC-100-14

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends Council adopt the attached findings and decision document based on the tentative decision made July 8, 2015.

Discussion:

On April 20, 2015, the Planning Commission held a public hearing, and recommended that the City Council approve a Comprehensive Plan Map Amendment and Zoning Map Amendment application affecting the property at 241 Waverly Drive SE (see map, Attachment 1). The proposed amendments would change the Comprehensive Plan (Plan) designation of 1.37 acres of a 1.38-acre parcel from Low Density Residential (LDR) to Medium Density Residential (MDR), and 0.01 acre (650 square feet) from General Commercial (GC) to MDR. The proposal would also amend the Zoning map by changing 1.37 acres from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA), and 0.01 acre from Community Commercial (CC) to RMA.

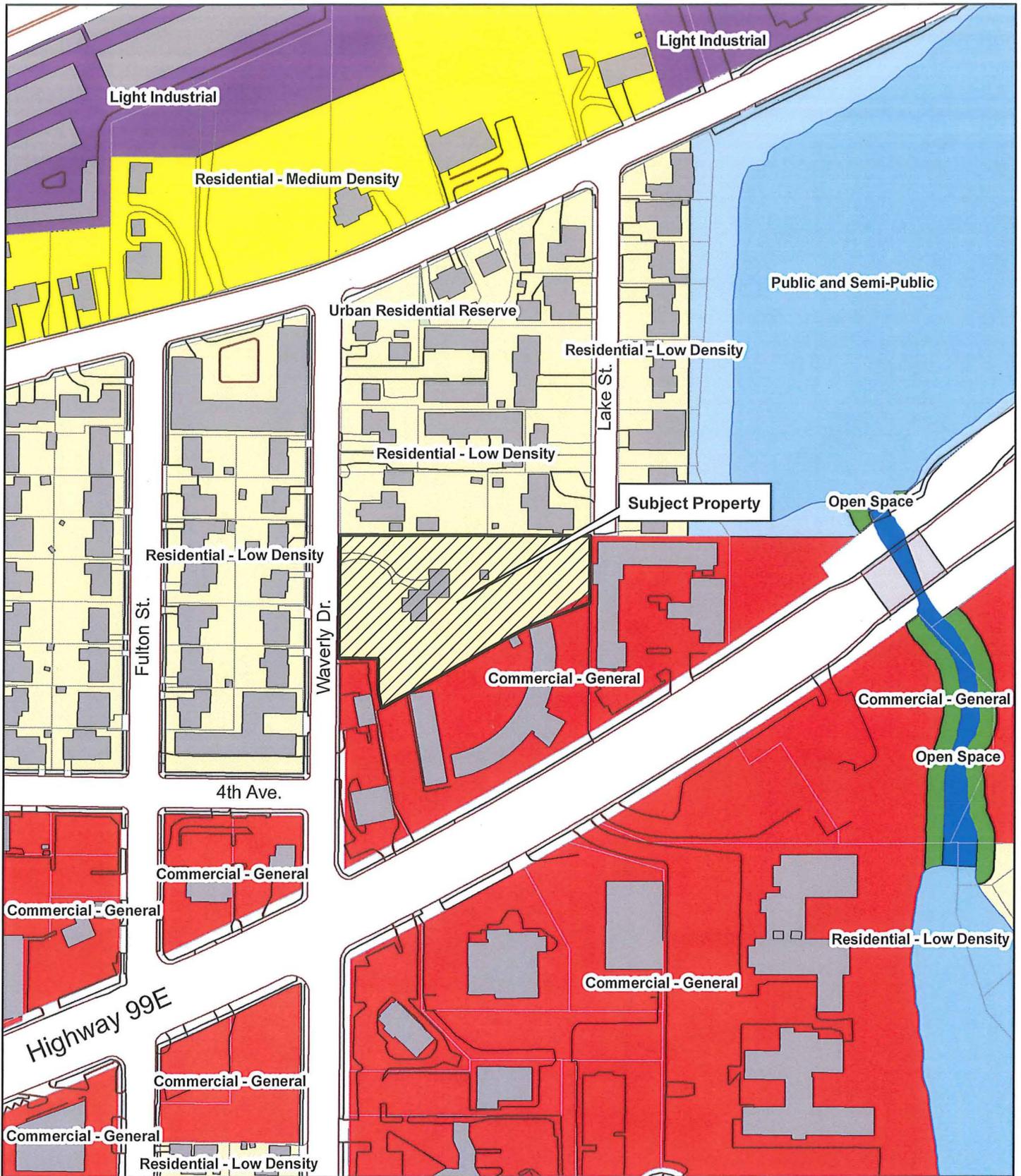
The City Council considered the proposed amendment during a May 27, 2015, public hearing; however, there were not enough votes to make a decision on the draft ordinance to approve the amendment. The ordinance was presented again for Council consideration during the June 10, 2015, regular meeting. Prior to taking action on the draft ordinance, a member of the public requested that Council re-open the public hearing to consider new testimony. The Council granted this request, and reopened the public hearing on July 8, 2015. Following the public hearing, the Council passed a motion to tentatively deny the amendment application, and directed staff to bring back findings to support denial to the next Council meeting.

As requested, the attached document (Attachment 2) provides findings for denial concerning Planning File CP-01-14 and ZC-100-14, regarding a proposal to change the Comprehensive Plan Map designation and Zoning Map designation on property located at 241 Waverly Drive SE. This document was prepared to conform to the tentative decision issued at the July 8, 2015 City Council meeting.

Budget Impact:

None

DM:rk
Attachments(2)



Location Map: 241 Waverly Drive SE, with Comprehensive Plan Designations



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the



0 40 80 160 240 320 Feet

July 17, 2014

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

CITY COUNCIL FINDINGS DOCUMENT
City of Albany Files CP-01-14 & ZC-100-14
Comprehensive Plan and Zoning Map Amendments

PREAMBLE

The matter before the City Council (Council) is a decision regarding a Comprehensive Plan Map Amendment and Zoning Map Amendment request by RJ Alldritt, represented by Rich Catlin of Reece and Associates. The subject property is located at 241 Waverly Drive SE. The application seeks to change the Comprehensive Plan (Plan) designation of 1.37 acres of a 1.38-acre parcel from Low Density Residential (LDR) to Medium Density Residential (MDR), and 0.01 acre (650 square feet) from General Commercial (GC) to MDR. The application also includes a Zoning Map Amendment that would change 1.37 acres from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA), and 0.01 acre from Community Commercial (CC) to RMA.

The Albany Planning Commission conducted a review of the application during a public hearing on April 20, 2015, and recommended that the Council approve the request. The Council considered the proposed amendment during a May 27, 2015, public hearing; however, there were not enough votes to make a decision on the draft ordinance to approve the amendment. The ordinance was presented again for Council consideration during the June 10, 2015, regular meeting. Prior to taking action on the draft ordinance, a member of the public requested that Council reopen the public hearing to consider new testimony. The Council granted this request, and reopened the public hearing on July 8, 2015. Following the public hearing, the Council passed a motion to tentatively deny the amendment application, and directed staff to bring back findings to support denial to the next Council meeting.

APPLICABLE CRITERIA

FINDINGS OF FACT AND CONCLUSIONS

1. The Council notes that applicable Albany Development Code criteria governing review of this application are identified in public notices for the May 27 and July 8, 2015 public hearings, the staff report to the Planning Commission dated April 10, 2015, and the staff report to the Council dated May 20, 2015. These criteria reference the Albany Comprehensive Plan.
2. The Council notes that the following findings of fact and conclusions are based on evidence presented at the Council public hearing, consisting of a staff report with attachments and supplemented by written testimony provided by two (2) individuals, and verbal testimony provided by sixteen (16) individuals who spoke in opposition at Council hearings held May 27, 2015, and July 8, 2015.
3. The Council notes that the following criteria from Albany Development Code (ADC) Section 2.220 are the applicable criteria for evaluating proposed amendments to the Albany Comprehensive Plan Map.

2.220 Review Criteria. Amendments to the Comprehensive Plan will be approved if the Council finds that the application meets the following applicable criteria:

- (1) **A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.**

- (2) A legislative amendment is needed to meet changing conditions or new laws.
- (3) The requested designation for a quasi-judicial map amendment meets all of the following tests:
- (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance is more supportive of the Comprehensive Plan as a whole than the old designation.
 - (b) The requested designation is consistent with any relevant area plans adopted by the City Council.
 - (c) The requested designation is consistent with the Comprehensive Plan Map pattern.
 - (d) The requested designation is consistent with the statewide planning goals.
4. The Council notes that of the criteria listed above, those in Sections 2.220(1) and (2) apply to legislative amendments, while those in Section 2.220(3) apply to quasi-judicial map amendments. The Council notes that the subject application is for a quasi-judicial map amendment.
5. The Council finds that the applicable ADC review criteria to evaluate the requested Comprehensive Plan amendment are those under Section 2.220(3), because these criteria apply to quasi-judicial applications.
6. The Council notes that ADC Section 2.220(3) requires that all sub-criteria must be satisfied to approve a quasi-judicial map amendment. The Council notes that sub criterion (a) requires the proposal to be evaluated against relevant Comprehensive Plan policies, and demonstrate that, on balance, the proposed amendment is more supportive of the Comprehensive Plan as a whole than the old/current designation.
7. The Council notes that the vast majority of the area under consideration is currently designated on the Comprehensive Plan Map as Low Density Residential, and is proposed to be designated as Medium Density Residential. The Council notes that a specific development plan for the site was not submitted by the applicant.
8. The Council finds that Comprehensive Plan policies most pertinent to the request are those in Chapter 4 – Goal 10: Housing, and Chapter 8 – Goal 14: Urbanization, because the current and proposed designations would primarily permit residential uses, and because the site is currently developed with residential uses. The Council notes the following Comprehensive Plan policies are particularly relevant:

Chapter 4 – Goal 10: Housing

Goal 10: Housing

- **Goal 2 - Create a city of diverse neighborhoods where residents can find and afford the values they seek.**

Goal 10: Housing Policies

- 1. Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.**
- 2. Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.**

8. **Encourage the development of great neighborhoods by:**
 - a. **Supporting neighborhood identity.**
 - b. **Locating parks, trails, schools, daycare and churches in close proximity to residences.**
 - c. **Incorporating natural features and spaces into developments.**
 - d. **Connecting and orienting new neighborhoods to Village Centers.**

Chapter 8 – Goal 14: Urbanization

17. Periodically review and update the Comprehensive Plan to ensure that there is adequate area designated in each land use classification to meet anticipated needs.

9. The Council notes that the subject site is currently a residentially-zoned area (RS-6.5 – Residential Single Family District) adjacent to land zoned Community Commercial. The Council notes that the CC zone “recognizes the diversity of small to medium-scale businesses, services, and sites mostly located on arterial streets and highways” (ADC Section 4.020(3)). The Council finds the current Low Density Comprehensive Map designation implemented by the RS-6.5 zone is consistent with Goal 10: Housing policy 1, because residentially zoned land is accessible to a commercial area that could provide employment and other services. The Council finds that it was not convinced by the applicant that the proposed Medium Density Residential Comprehensive Plan designation would better satisfy this policy as required to satisfy review criterion ADC 2.220(3).
10. The Council notes that Goal 10: Housing policy 2 encourages the City to “Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.” The Council notes that Policy 17 of Albany Comprehensive Plan-Urbanization (Statewide Goal 14) states “Periodically review and update the Comprehensive Plan to ensure that there is adequate area designated in each land use classification to meet anticipated needs.”

The Council notes that the City’s Housing Needs Analysis was completed in March 2007. At that time, there was a projected net need of 44.1 acres to accommodate RMA and RM-3 housing needs by 2025, and a 321 acre surplus of land zoned RS-6.5. The applicant noted 4,303 new housing units would be needed by 2025. Based on population forecasts and income distributions, 727 units were needed in the RMA and RM zones.

The Council notes that it heard testimony from Wade and Charleen Spurlin, of 1792 NW Cascade Heights Drive, and Kasey Tegner, of 221 Waverly Drive SE. The Council notes that their testimony stated that the 2007 Albany Housing Needs Study did not reflect recent construction of several multifamily housing units developed since that time. The Council agrees and finds that this is an important consideration in understanding the need for higher density residential development that could occur if the proposed Comprehensive Plan amendment and zone change is approved.

11. The Council notes that according to City staff calculations, there have been 484 units of multifamily residential development (tri-plex and above) constructed since the Housing Needs Analysis was completed in 2007. The Council finds that, based on the number of multifamily residential units developed since 2007, the need for RMA and RM-zoned lands is being successfully ameliorated and the proposed Comprehensive Plan Map amendment is not necessary to satisfy the Urbanization policy number 17.

12. The Council notes that the proposed Medium Density Residential Comprehensive Plan designation would be implemented by a zone that would contribute to the variety of housing choices available to residents. The Council notes that the type of housing units that could be developed on the site (primarily detached single family homes) under the current Comprehensive Plan and Zoning designations also contributes to the variety of housing choices available to City residents.

The Council notes that to change a Comprehensive Plan map designation, the applicant must demonstrate that, on balance, the proposed designation is more supportive of the Comprehensive Plan as a whole than the old designation. The Council finds that, with respect to Goal 10: Housing policy 2, it is not convinced by the applicant that changing the Comprehensive Plan designation to Medium Density Residential would be more supportive of the Comprehensive Plan as a whole than the current designation. This is because the housing types permitted by implementing zones of the existing Low Density, and proposed Medium Density, designations are needed within the City. The Council finds that it was not persuaded by the applicant that the Comprehensive Plan designation on subject site needs to be changed to provide the variety of housing type encouraged by Goal 10 Housing, Policy 2.

13. The Council notes that Comprehensive Plan, Goal 10: Housing Policy 8, encourages the development of great neighborhoods by supporting neighborhood identity. The Council notes that it received written public testimony from two individuals and verbal testimony from by sixteen individuals who spoke in opposition at Council hearings held May 27, 2015, and July 8, 2015. Much of the testimony was related to expected impacts to neighborhood identity that would be caused if the proposed Comprehensive Plan amendment were approved.

The Council notes that testimony received at the July 8, 2015 City Council public hearing established much of the neighborhood consists of single-story, single-family units, duplexes and apartments; however, very few are two stories tall. Council notes testimony from the public argued that changing the zoning on the subject lot would have a negative impact on the existing neighborhood identity by potentially including the possibility of 25 to 35 2- to 3-story units. Pam Briggs, of 197 Lake Street SE, stated that the prospect of having that many and type of units would be totally out of character for the area. People in the apartments would be looking out their windows at the single-family residences. The lot presently has many trees; most or all would be removed and she would see apartments looking into her and her neighbors' yards. The Council is persuaded by public testimony that the proposed amendment would be a detriment to the identity of the neighborhood and counter to Comprehensive Plan, Goal 10: Housing policy 8.

14. The Council notes that written testimony submitted by Carolyn Duehn, of 210 Waverly Drive SE, stated the proposed Comprehensive Plan amendment would allow for large apartment complexes that would negate the purpose of the original single-family zoning, and expressed fear that a large apartment complex would completely change the character of the area. Council notes Kasey Tegner, of 221 Waverly Drive SE, added that this is a small, quiet neighborhood, and houses are mostly WWII-era cinder block houses. She put 25 years into a house that was falling down when she bought it. She stated that the neighborhood was turning around, and it has been the same there for over 60 years, and she likes it that way. She is invested in the neighborhood and she is concerned about her property value. Ms. Tegner added that this would not be a good transition area as stated, but would overwhelm and completely change the neighborhood. Council notes that Carol Williams, of 240 Waverly Drive SE, has lived in the neighborhood almost 40 years and remarked that previous zone change proposals have been defeated twice before. The City Council finds these concerns true and valid, and agrees with the testimony that development that could occur under the proposed Comprehensive Plan amendment would not create a desirable transition between nearby commercial and low density residential areas.

15. The Council notes that Janice Schmidtke, of 230 Waverly Drive SE, testified that she bought her property six years ago for the sole purpose of seeking quiet. Council notes that Pam Briggs, of 197 Lake Street SE, stated she was opposed to the zone change, but is okay with development as long as it is low density and complements the neighborhood. The Council notes that Monica Weber, of 210 Fulton Street, said some growth is to be expected, but she did not anticipate a zone change that would dramatically increase traffic noise and pollution. She asked Council to consider the residents on Waverly, Fulton, and Lake before approving the zone change. The Council finds these concerns true and valid.
16. The Council notes that Goal 2 of Albany Comprehensive Plan-Housing (Statewide Goal 10) states "Create a city of diverse neighborhoods where residents can find and afford the values they seek." The Council notes that the proposed Comprehensive Plan Amendment and zone change would result in a range of allowable uses that would change the identity of the surrounding residential neighborhood in a way that is not currently desirable, including creating substantial differences in the size and bulk between existing dwellings and multi-story dwelling units allowable under the proposed designations. The Council is persuaded by the public testimony in opposition to the proposal and finds that the proposed Comprehensive Plan amendment would not support the existing neighborhood identity that neighboring residents desired to retain. For these reasons, the Council finds the proposed amendment is not consistent with Comprehensive Plan Goal 2 regarding Housing, Comprehensive Plan Policy 8 regarding Goal 10: Housing, and Comprehensive Plan Policy 17 regarding Goal 14: Urbanization. Therefore, the Council finds that the proposed amendment would not, on balance, be more supportive of the Comprehensive Plan as a whole than the current designation, as required to amend the Comprehensive Plan per ADC Section 2.220(3).
17. The Council notes that to approve a request to amend the Comprehensive Plan through a quasi-judicial process (as is the case with the subject application), **all** of the criteria in ADC Section 2.220(3) must be achieved. The Council notes that the proposed amendment was evaluated against these criteria, resulting in the findings and conclusions stated above. In summary, the Council finds that the proposed Comprehensive Plan amendment does not satisfy ADC criterion 2.220(3)(a). The Council finds that because one criterion in ADC Section 2.220(3) was not satisfied the proposed amendment cannot be approved, and further analysis regarding other criteria is not necessary.
18. The applicant has the burden of proving the proposed Comprehensive Plan amendment is more supportive of the goals and policies of the Comprehensive Plan than the existing designation. This burden has not been met. The Council concludes that, on balance, the proposed Comprehensive Plan Map and Zoning Map designations are not more supportive of the goals and policies of the Comprehensive Plan than the existing designations.
19. The Council notes that the applicant also requests a Zoning Map Amendment to change 1.37 acres from Residential Single Family (RS-6.5) to Residential Medium Density Attached (RMA), and 0.01 acre from Community Commercial (CC) to RMA. The Council notes that the RMA zone could be implemented under the proposed Medium Density Comprehensive Plan designation, but cannot be implemented under the current Low Density Comprehensive Plan designation. The Council finds that the proposed zone change to Residential Medium Density Attached (RMA) cannot be granted, because that zone is not compatible with the Low Density Residential Comprehensive Plan designation.

SUMMARY CONCLUSION

The City Council, having reviewed the record associated with the proposed Comprehensive Plan Amendment and Zone change and considered evidence supporting and opposing the application, has found the proposal to be inconsistent with applicable Comprehensive Plan policies and decision making criteria in the Albany Development Code. Therefore, the City Council denies the application CP-01-14 and ZC-100-14.



COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF DECISION

DATE OF NOTICE: September 24, 2015

FILES: CP-01-14 and ZC-100-14

TYPE OF APPLICATION: Quasi-Judicial Comprehensive Plan Map Amendment from Low Density Residential and General Commercial to Medium Density Residential, and Zoning Map Amendment from RS-6.5 and CC to RMA, a Type IV process

REVIEW BODIES: Planning Commission and City Council

PROPERTY OWNER/
APPLICANT: Tyre & Sidon LLC; c/o RJ Alldritt; 19460 Tam Lake Ct; Bend, OR 97702

APPLICANT
REPRESENTATIVE: Rich Catlin, Reece & Associates; 321 1st Avenue E, Suite 3A; Albany, OR 97321; 541-926-2428; rich@r-aengineering.com

ADDRESS/LOCATION: 241 Waverly Drive SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-05DD; Tax Lot 400

ZONING: RS-6.5 (Single Family Residential) District; CC (Community Commercial) District

CP DESIGNATION: LDR (Low-Density Residential); GC (General Commercial)

On September 23, 2015, the Albany City Council DENIED the Comprehensive Plan Map and Zoning Map Amendment application referenced above that would have changed the Comprehensive Plan Map from Low Density Residential and General Commercial to Medium Density Residential and the zoning designation from Residential single Family (RS-6.5) and Community Commercial (CC) to Residential Medium Density Attached (RMA).

The City based its decision on the proposed Comprehensive Plan Map and Zoning Map Amendment application with the review criteria listed in the Albany Development Code. The supporting documentation relied upon by the City in making this decision is available for review at City Hall, 333 Broadalbin Street SW. For more information, please contact David Martineau, Project Planner at 541-917-7561.

The City's decision may be appealed to the State Land Use Board of Appeals (LUBA), if a person with standing files a completed Notice to Appeal application and the associated filing fee no later than 21 days from the date the City mails the Notice of Decision.

City of Albany Mayor