



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
333 Broadalbin Street SW
Monday, September 21, 2015
4:00 p.m.

AGENDA

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."*

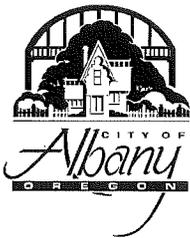
- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 p.m. Floodplain Program Updates – Melissa Anderson. [Pages 2-6]
Action Requested: Information, discussion, direction.
- 4:30 p.m. Community Development Commission – Sharon Konopa. [Verbal]
Action Requested: Discussion, direction.
- 5:00 p.m. One Percent for Art – Ed Hodney. [Pages 7-10]
Action Requested: Information, discussion, direction (continued from August 26, 2015, Council meeting).
- 5:55 p.m. PUBLIC SAFETY FACILITIES PROJECT UPDATE
- 6:00 p.m. COUNCILOR COMMENTS
- 6:10 p.m. CITY MANAGER REPORT
- 6:15 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

The location of the meeting/hearing is accessible to the disabled. If you have a disability that requires accommodation, advanced 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
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Bob Richardson, Planning Manager *RAC*
Melissa Anderson, Planner II *MA*

DATE: September 16, 2015 for the September 21, 2015, City Council Work Session

SUBJECT: Update on Floodplain Management Activities

- RELATES TO STRATEGIC PLAN THEME:
- Great Neighborhoods
 - A Safe City
 - Healthy Economy
 - Effective Government

Action Requested:

No action is requested at this time. This memorandum is for information only.

Discussion:

Over the past several years, staff has been working on various projects related to floodplain management. Many of these projects are ongoing, or still in process, and therefore will require further Council action. Consequently, staff anticipates that a number of items related to these projects will be presented to the City Council over the next year. Floodplain issues can be confusing and are only growing in complexity with changes in regulations. This memorandum provides a summary of current floodplain management work efforts, and explains how they are related to each other, in advance of future actions that may be requested.

National Flood Insurance Program (NFIP): Nearly 20,000 communities across the United States and its territories participate in the Federal Emergency Management Association's (FEMA) NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities. Without these policies residents would not be able to secure federally backed mortgages in the floodplain; which could significantly impact the real estate market in these areas.

The City of Albany joined the NFIP in 1985. In order to stay in the NFIP program municipalities must incorporate prescribed model code language when adopting floodplain regulations. Albany's floodplain development regulations are contained in Article 6 of the Albany Development Code (ADC). The City's last ADC update to incorporate model code was in 2010 and the City is currently in good standing with the program (see attached letter from FEMA).

Community Rating System (CRS): For citizens residing in the floodplain, one of the issues of most concern is flood insurance rates. (As noted above, flood insurance policies are required for federally backed mortgages and the City's participation in the NFIP program facilitates that process.) Flood insurance rates vary based on many risk factors and the overall rate structure is set by FEMA. The City does not have a direct role in the flood insurance process but can take measures through the Community Rating System (CRS) to reduce the cost of flood insurance for all residents. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. When a community exceeds the minimum requirements, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the CRS goals. The three goals of the CRS program are: (1) Reduce flood losses; (2) Facilitate accurate insurance rating; and (3) Promote the awareness of flood insurance.

The City joined the CRS program in 1991, with a classification of 9. The City's rating improved to a Class 7 by 2005 and to a Class 6 in 2011. The City's current Class 6 rating extends a 20% discount on flood insurance premiums to residents with property in the special flood hazard area. This discount amounts to an annual savings of approximately \$323 per insurance policy or \$55,150 for our community.

Currently, the City is in good standing as a CRS Class 6 community (see attached letter from CRS/ISO Specialist). In 2016, the City will once again be evaluated for our participation and class rating in the CRS program. In preparation for that review, an inter-departmental team will be working together to document and implement CRS-eligible activities. The goal for the upcoming review is, at a minimum, to maintain the Class 6 rating, and where possible improve the rating to achieve a Class 5 rating. By retaining or improving our rating residents will continue to realize significant cost savings on their flood insurance policies. Several of the other floodplain projects the City is working on, while beneficial on their own merit, have the added benefit of helping to secure the desired CRS ratings.

North Albany Flood Insurance Rate Map: FEMA's Flood Insurance Rate Maps (FIRMs) are one of the tools used by insurance agents to determine flood insurance premiums for a given property. They are also used by City staff for emergency planning and to identify what floodplain development requirements to impose on a given development or building permit. Therefore, having accurate FIRMs is important for the community.

A study of the Willamette River floodplain in North Albany was initiated in 2010 because the existing FIRMs for North Albany appeared to be inaccurate. This study was completed in 2011, and confirmed a significant unmapped floodway through North Albany, and identified discrepancies in the floodplain boundary and base flood elevations. Following a significant public outreach effort, staff submitted an application to FEMA to update the FIRM in North Albany. FEMA is now nearing completion of the federal process to adopt these new flood insurance rate maps. FEMA is in the middle of conducting a 90-day appeal period, which ends on October 15, 2015. Following the appeal period, FEMA will issue a final letter of determination (estimated in February 2016).

After FEMA issues the final letter of determination, the City will need to update the Albany Development Code to reference the new flood insurance rate maps for North Albany (a requirement for participation in NFIP). Amending the development code will require public hearings before the Planning Commission and City Council, per state law. This action will need to be accomplished before the new flood insurance maps for North Albany become effective, which is estimated to be in August 2016.

The City will take credit for this significant work effort in our 2016 CRS review.

No Adverse Impact: One of the challenges with the model code adopted under the NFIP is that it does little to address localized property-to-property impacts for development in the floodplain. As a result, a property can fill their site to support a development and push the floodwater onto their neighbor. Albany has not yet adopted ADC language to address this scenario and therefore may have a hard time preventing it through a land use process.

In order to address property-to-property impacts, many communities are moving toward, or have implemented, a "No Adverse Impact" (NAI) approach to managing their floodplains. The NAI approach to floodplain management ensures that the development activities of one property owner do not adversely impact other property owners or increase flooding beyond a locally defined acceptable level.

Council began discussing the NAI issue in 2011, and the last Council work session discussion on this topic was in 2013. At that time, staff provided an example of a potential development site in North Albany that if filled, could raise flood waters as much as 1.5 feet on neighboring residential properties. Following that discussion Council directed staff to return with sample code language for the Council's review. Staff turnover has delayed this process, but staff will continue this work and return to Council next spring with sample code language as originally directed.

The City would get credit for adoption of a NAI floodplain development approach in our 2016 CRS review.

Endangered Species Act: This item relates to a court case between FEMA and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries), over the Endangered Species Act of 1973 (ESA). NOAA Fisheries has sued FEMA in Oregon and other states for failing to consult with NOAA Fisheries when species listed as threatened or endangered under the federal ESA are affected by development in the Special Flood Hazard Area (otherwise known as the 100-year floodplain).

FEMA administers the NFIP in the SFHA and has an obligation under Section 7 of the ESA to implement its program so that listed species are not put at higher risk of extinction. Oregon is home to several populations of salmon and steelhead listed as threatened by NOAA Fisheries. Through the consultation process NOAA Fisheries and FEMA must identify measures to ensure that implementation of the NFIP will not result in further loss of salmon habitat.

The outcome of the consultation process between NOAA Fisheries and FEMA under Section 7 of the ESA will be a Biological Opinion (BiOp), which will provide specific guidance for FEMA on what is required to comply with the ESA. The final BiOp is currently under legal review in Washington D.C., and it is expected to be released within the next month. Based on the result of the final BiOp, FEMA may update the model code requirements under NFIP. Such an update would trigger requirements for the City to amend the floodplain provisions in the Albany Development Code. These amendments would be required in order for the City to remain in good standing with the NFIP, which is necessary for residents to qualify for federally backed mortgages in the floodplain as discussed above. If code amendments are required, public hearings and City Council approval will be necessary for adoption.

Floodplain Management Planning Committee: Albany is required to have a current Natural Hazard Mitigation Plan (NHMP) in order to qualify for grants and disaster relief funds from FEMA. Address flooding risks is one required element of the NHMP. The Fire Department manages overall NHMP development, with Community Development staff providing support on floodplain issues.

As part of current efforts to update Albany's NHMP, City staff has been working with a floodplain management planning committee. The committee consists of eight individuals that include City staff and business representatives from the lending, real estate and insurance industries. The committee is assisting with 1) the update to the flood hazard section of the NHMP, and 2) developing a program for public information and insurance promotion. Both projects will be completed this year to coincide with the overall update of the City's NHMP. It is anticipated that the updated NHMP plan will be presented to Council for adoption in early 2016.

The City will receive credit for using a committee to complete the two projects in our 2016 CRS review.

Budget Impact:

There is no budget impact at this time.

MA:rk

c: Letter from Scott Van Hoff, Natural Hazards Program Specialist, FEMA Region X (2/4/15)
Letter from Marlene Jacobs, CFM, ISO/CRS Specialist (10/14/14)

U.S. Department of Homeland Security
FEMA Region X
Federal Regional Center
130 228th Street, SW
Bothell, WA 98021-8627



FEMA

February 4, 2015

The Honorable Sharon Konopa
Mayor, City of Albany
632 35th Avenue SE
Albany Oregon 97322

Dear Mayor Konopa:

A Community Assistance Visit (CAV) for the city of Albany was conducted by the Federal Emergency Management Agency (FEMA) on September 8, 2011, to evaluate the city's eligibility for continued participation in the National Flood Insurance Program (NFIP). The findings of our evaluation were reported in a letter dated November 13, 2012. Those findings concluded that the city needed to update and adopt their local floodplain regulations, produce procedures for implementing these regulations, and provide additional documentation from one case in our field inspection. As of this date, all the necessary documentation has been received.

This closes the CAV for the city of Albany. I appreciated the excellent cooperation you and your staff have provided throughout this process. The city of Albany has established a thorough process for administering the requirements of their floodplain ordinance and should have a better understanding about managing any future floodplain development. If you have questions or need further assistance with your floodplain management program, please contact me at (425) 487-4677 or scott.vanhoff@fema.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Graves, for".

Scott D. Van Hoff
Natural Hazards Program Specialist

cc: Melissa Anderson, City of Albany
Christine Shirley, DLCD

SVH:bb



INSURANCE SERVICES OFFICE, INC.

MARLENE JACOBS, CFM 4811 SE MELDRUM AVE, PORTLAND, OR 97267
OFFICE (503) 342-6138 CELL (541) 704-5434 EMAIL: mjacobs@iso.com

October 14, 2014

Ms. Melissa Anderson
Planner 2
Post Office Box 490
Albany, Oregon 97321

Dear Ms. Anderson:

This is to acknowledge receipt of the 2014 Community Rating System (CRS) Recertification for the City of Albany, Oregon. The completed and signed AW-214 and requested enclosures have been reviewed and everything appears to be in order. This completes the Recertification process for 2014 and your community remains in good standing as a CRS Class 6 community for the next year.

Thank you for your cooperation in completing the annual CRS Recertification form. Please do not hesitate to contact me when I can be of future assistance.

Yours sincerely,

Marlene Jacobs

Marlene Jacobs, CFM
ISO/CRS Specialist

Cc: Mr. John Graves, DHS/FEMA Region X
Mr. Scott Van Hoff, DHS/FEMA Region X
Ms. Christine Shirley, Oregon State NFIP Coordinator
Ms. Sherry Harper, ISO Planning Technical Coordinator
Ms. Cristina Martinez, ISO Floodplain Technical Coordinator



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation
DATE: September 17, 2015, for the September 21, 2015 City Council Work Session
SUBJECT: One Percent for Art, AMC 2.96

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

RELATES TO: ● Master plans.

Action Requested:

Provide direction regarding possible changes to current Public Art ordinance

Discussion:

At the Council meeting of August 26, the application of the One Percent for Art section to the new police and fire station projects was discussed. The current code requires that one percent of the construction estimates for each of the buildings be spent on art works, to be placed either in the new buildings or in other public venues. Although the City Council gave no specific direction regarding changes to the current code, staff was asked to bring back estimates of the one percent requirement applied to the space in each building that would be considered "public".

The City's architect has calculated the following estimates:

| | |
|----------------|--|
| Police: | Total building floor space = 41,600 sq. ft. generates \$127,400 for 1% requirement |
| | Public area = 3,200 sq. ft. generates \$ 9,779 for 1% requirement |
| Fire: | Total building floor space = 22,584 sq. ft. generates \$ 72,888 for 1% requirement |
| | Public area = 2,380 sq. ft. generates \$ 7,700 for 1% requirement |

The Arts Commission has endorsed the public art proposals presented for each of the buildings. The proposal for the police station consists of a structured outdoor entry plaza with seating and a water feature that would handle storm water from the building. The public art would be in the form of sculpture that would also serve as an element of this system. The art estimate also includes some display cases for the lobby. If the project is advanced, the Arts Commission has requested that the sculpture be commissioned in a process that would engage local and regional artists. A detailed memo from McKenzie is attached.

The art proposal for the fire station is a restoration and on-site display of a 1907 American La France Steam horse-drawn steam fire apparatus. The Commission is hopeful that the restoration work can be performed by local artisans and trade workers.

Belcastro, Staci

From: Jeff Humphreys [JHumphreys@mcknze.com]
Sent: Thursday, August 27, 2015 2:09 PM
To: Belcastro, Staci
Cc: Caitlin Cranley; Kaitlin North
Subject: Albany Police 1% For Art Detail
Attachments: Albany Police Entry Plaza Concept_08.27.15a.pdf; L2.1 - Highlight.pdf

Hi Staci,

Caitlin prepared the following information for the 'built in art' on the Police project. Please let us know if you have any questions or need additional information.

Good afternoon Staci,

We are attaching some further information and imagery on the presentation that we had previously provided, calling out the areas of the plaza that we anticipate being included under the umbrella of the Art budget (as well as a highlighted landscape plan illustrating the items from the SD set that are in the cost projection).

Additionally, you asked for us to provide an estimated cost for the items that that were included in the Art Scope:

Budget (based on 1% Total Construction Cost)
- **\$127,400**

Site

Concrete Seat Walls *
- \$10,752
Seat Wall Lighting *
- \$11,480
Water Feature *
- \$25,000
Miscellaneous metals (skateboard stops, storm channel grates, etc)
- \$5,000 (allowance)
10% Contingency
- \$5,223

Site Total - **\$57,455**

Lobby

Display Casework (Design and Fabrication)
- \$5,625 (allowance)
10% Contingency
- \$562

Lobby Total - **\$6,187**

* -Based on 30% Estimate

Remaining for Downspout (Design and Fabrication will need to include any attachments to the canopy/water feature), Miscellaneous Art
- **\$63,758**

Depending on how you want to approach it, the argument could be made that the 'Art' Budget is the remaining \$63k (which, conveniently is just about 0.5% of the construction cost), and the rest of the items can get wrapped back into the

construction budget. My only concern with this approach is that we want to make sure that we maintain those features moving forward in the design, as they are integral to the impact of the Art on the plaza as a whole, which in turn has the greatest impact on the public's perception of the building, and its impact on the community.

The other piece that we didn't get a chance to talk about yesterday was the timeline for Artist Selection. At the Neighborhood Meeting you and Mario had indicated that there would be a selection committee. Has the Art Commission given you the parameters for how the selection process needs to occur, and what the requirements will be, or is this something that the Department is able to dictate? As we've mentioned before, this will need to happen as soon as possible, so that the appropriate coordination in the documents can occur.

I'm out of the office for the weekend as of lunch today, but I will have limited access to my email, or we can speak further on Monday.

Have a great weekend!

Caitlin Pierce Cranley

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Portland OR 97214

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Chapter 2.96
ONE PERCENT FOR ART

2.96.010 One percent for art.

(1) All appropriations for the construction or alteration of any building of the City of Albany, except as exempted in AMC 2.96.020, shall contain an appropriation of one percent of the cost of the construction or alteration for the acquisition of works of art that may be an integral part of the building or may be capable of display in other City of Albany buildings.

(2) When it would not be appropriate to place works of art in a given City building or if artwork placed in that building could not be viewed by the general public, the funds required in subsection (1) of this section will be used to purchase works of art for placement in other City buildings or facilities that are open to the public. (Ord. 5385 § 1, 1998).

2.96.020 Exclusions.

The provisions of this section shall not apply to:

(1) Any construction, physical plant rehabilitation, improvement, or remodeling project that has an estimated cost of less than \$500,000.

(2) Indirect construction or alteration costs, such as inspection fees, professional services, interest under construction, advertising, furnishings, soil testing, construction permits, and legal fees.

(3) Remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical or electronic systems.

(4) Projects for construction or alteration of motor pools, heating plants, parking lots, maintenance sheds, roads, bridges, sewer lines, rest room facilities at City parks, water lines, wastewater treatment plants, or water treatment plants.

(5) Construction projects that are under way upon adoption of the ordinance codified in this chapter. (Ord. 5385 § 1, 1998).

2.96.030 Acquisitions.

(1) The Albany Arts Commission or other person or agency selected by the Albany City Council, in consultation with the City Manager, the affected department or departments, and the architect for the particular building, shall determine the amount available for each City building, shall solicit proposals for suitable works of art, and shall contract for and purchase selected works of art for each City building constructed or altered after adoption of this section.

(2) The Albany Arts Commission or other person or agency selected by the Albany City Council shall be solely responsible for the placement and acceptance of all works of art acquired pursuant to this section.

(3) To the extent reasonable, the Albany Arts Commission or other person or agency selected by the Albany City Council shall consult with appropriate citizens groups and the affected City department or departments in determining the selection and placement of the works of art.

(4) Title to all works of art acquired pursuant to this chapter vests with the City of Albany. (Ord. 5385 § 1, 1998).