



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
 Council Chambers
 333 Broadalbin Street SW
 Wednesday, March 23, 2016
 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
3. ROLL CALL
4. PROCLAMATION
 - a. Child Abuse Prevention and Awareness Month. [Page 2]
 Action: _____
5. SCHEDULED BUSINESS
 - a. Business from the Public
 - b. First Reading of Ordinance
 - 1) Amending Albany Municipal Code Chapters 12.01.010, Intent and purpose, and 12.01.040, Definitions, and creating Chapter 12.30, Stormwater utility. [Pages 3-8]
 Action: _____ ORD. NO. _____
 - c. Adoption of Consent Calendar
 - 1) Approval of Minutes
 - a) January 13, 2016, Regular Session minutes. [Pages 9-19]
 - b) January 25, 2016, Work Session minutes. [Page 20]
 - 2) Authorizing the reinstatement of three Firefighter/EMT positions and funding for four Firefighter/EMT positions effective June 1, 2016. [Pages 21-22]
 RES. NO. _____
6. BUSINESS FROM THE COUNCIL
7. RECESS TO EXECUTIVE SESSION TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED BY THE GOVERNING BODY TO CARRY ON LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660 (2)(d)
8. RECONVENE
9. NEXT MEETING DATE: Work Session: April 11, 2016
 Regular Session: April 13, 2016
10. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

PROCLAMATION

CHILD ABUSE PREVENTION AND AWARENESS MONTH

APRIL 6, 2016

WHEREAS, this April marks the 33rd year of the U.S. presidential proclamation of Child Abuse Prevention Month; and

WHEREAS, each April, Child Abuse Prevention Month activities are held in communities across the nation to raise awareness about child abuse and the need for the entire community to become involved; and

WHEREAS, during the National Child Abuse Prevention Month, we renew our commitment to preventing child abuse and rededicate ourselves to working together to ensure all children can have a bright and hopeful future; and

WHEREAS, the goal is to rally our communities to understand what we can do to assist and encourage Oregon families; and

WHEREAS, the dream of safe and stable families can only be realized by society and individuals coming together and taking responsibility; and

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, and health problems; and

WHEREAS, abuse and neglect are far more reaching than you might imagine. No socioeconomic group is immune; children of all races and ethnicities are victims of child abuse. In 2014, 470 Linn County children were abused or neglected; child abuse is a *total* community problem affecting all levels of society; and

WHEREAS, effective prevention programs succeed through partnerships of community groups which help support parents to provide a safe and nurturing environment; and

WHEREAS, there were 6,900 substantiated cases of child abuse and neglect in Oregon during 2013, involving 10,630 victims; 48 percent of those victims were younger than six years of age; and

WHEREAS, during 2013, there were ten Oregon children who died from causes related to familial/caregiver abuse and/or neglect; and

WHEREAS, the effects of child abuse need to be addressed by the entire community.

NOW, THEREFORE, I, Sharon Konopa, Mayor of the City of Albany, Oregon do hereby proclaim April 2016 as

CHILD ABUSE PREVENTION AND AWARENESS MONTH AND APRIL 6 AS THE DAY OF HOPE

in Albany and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in efforts to recognize and prevent child abuse.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Albany to be affixed this 23rd day of March 2016.

Sharon Konopa, Mayor



TO: Albany City Council

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

FROM: Mark A. Yeager, P.E., Utility Services Manager *MY*

DATE: March 16, 2016, for the March 23, 2016, City Council Meeting

SUBJECT: Amend Albany Municipal Code to Create a Stormwater Utility

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

Action Requested:

Staff requests Council adopt the attached ordinance to amend the Albany Municipal Code to create a stormwater utility, establish a stormwater fund, and provide authority to impose a service charge.

Discussion:

At the March 7, 2016, Council Work Session, Council reviewed the draft ordinance amending the Albany Municipal Code to create a stormwater utility, establish a stormwater fund, and provide authority to impose a service charge. Adoption of the ordinance does not result in the implementation of any new fees for stormwater services. If the Council ultimately decides to implement a stormwater fee, that fee would be adopted by Council resolution at a later date.

Staff has incorporated Council's suggested edits and the revised ordinance is attached for Council's consideration and adoption.

Budget Impact:

There is no budget impact at this time.

JR/MAY:kw

Attachment

- c: Kristin Preston, Wastewater Superintendent (via e-mail)
Staci Belcastro, P.E., City Engineer (via e-mail)
Jeni Richardson, P.E., Civil Engineer III (via e-mail)
Jeff Babbitt, Senior Accountant (via e-mail)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.01.010 INTENT AND PURPOSE, AND AMENDING CHAPTER 12.01.040 DEFINITIONS, AND CREATING CHAPTER 12.30, STORMWATER UTILITY, OF THE ALBANY MUNICIPAL CODE.

WHEREAS, the Federal Environmental Protection Agency and the State Department of Environmental Quality will require Albany to prepare a National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II permit application and management plan to reduce stormwater pollution under the authority of the Federal Clean Water Act; and

WHEREAS, the City of Albany, as a designated management agency (DMA), is required to manage stormwater to minimize impacts to the Willamette River in accordance with the City's Water Quality Management Plan adopted to comply with the State Department of Environmental Quality's Willamette River Total Maximum Daily Load (TMDL); and

WHEREAS, the City Council finds that in order to properly manage and maintain the stormwater system, and to comply with regulatory requirements such as the Willamette River TMDL and NPDES MS4 Phase II requirements, the City's stormwater system must be funded in a manner enabling on-going maintenance, operation, regulation, and improvement of the system; and

WHEREAS, the City Council finds that, if not properly managed, existing stormwater may cause property damage and erosion; may carry concentrations of nutrients, heavy metals, oil and toxic materials into receiving waters and ground water; may degrade the integrity of City streets and the transportation system; may reduce citizen access to emergency services; and may pose hazards to both residents and property; and

WHEREAS, the City Council of the city of Albany (the "City") has determined that the City's physical growth and urban development will continue to increase the volume of stormwater collected in and routed through the City's man-made and natural stormwater facilities and system; and

WHEREAS, the City Council has determined that stormwater must be managed in a manner that protects the public health, safety, and welfare; and

WHEREAS, the City Council has determined that there is inadequate funding available to properly operate, maintain, repair, or replace the existing stormwater system in Albany.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Chapter AMC 12.01.010, Intent and Purpose, is hereby amended:

The intent and purpose of this title is **to enable the City of Albany to comply with applicable State and Federal laws; to provide for the effective management of stormwater to protect the health, safety, and general welfare of the citizens of the City of Albany; and to protect the health and safety of City employees working in the stormwater system; to facilitate the orderly development and extension of the stormwater system; to protect and enhance the water quality and natural functions of watercourses and water bodies through the regulation of stormwater discharges; to set forth uniform requirements for direct and indirect contributors to the stormwater system; and to help meet the City of Albany's environmental stewardship responsibilities.** ~~and to enable the City of Albany to comply with applicable State and Federal laws.~~

Formation of a stormwater utility with appropriate resources, responsibility, and authority is the most effective way to manage, improve, and control the stormwater system and to address the purposes set forth herein.

Notwithstanding the forgoing, nothing herein shall be deemed to impose a duty on the City to protect the property, health, or safety of third parties. (Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

Section 2. Albany Municipal Code Chapter AMC 12.01.040, Definitions, is hereby amended as follows:

(1) "Agricultural activity" means private or commercial activities directly engaged in the production of nursery stock, sod, fruits, vegetables, forages, cover crops, field crops (grain, corn, oats, beans, etc.), timber, and livestock, or other related activities determined by the Director to conform to this definition, but shall not include construction or other activities for structures associated with agricultural activities.

(2) "Best management practices (BMPs)" means schedules of activities; prohibitions of deleterious practices; general good housekeeping practices; physical, structural, or chemical interventions; pollution prevention and educational activities; maintenance activities; and other management practices that prevent or minimize to the greatest extent practicable the discharge of pollutants directly or indirectly to public rights of way, the municipal stormwater system, receiving waters, or Waters of the State.

(3) "City" means the City of Albany, a municipal corporation of the State of Oregon.

(4) "City Manager" means the person chosen by the Albany City Council to meet the requirements of Section 22 of the Albany Charter or such person as may be designated by the City Manager to act in his/her name and capacity.

(5) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and any subsequent amendments thereto.

(6) "Construction activity" means activities related to any land development or construction project, including but not limited to clearing and grubbing, grading, excavating, and demolition.

(7) "Director" means the person designated by the City Manager to supervise the Public Works Department and who is charged with certain duties and responsibilities by this title, or the duly authorized representative.

(8) "Discharger" means any person who discharges or causes to be discharged any pollutant onto public rights of way or into the municipal stormwater system, receiving waters, or Waters of the State.

(9) "Floodplain" means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other water body that has been, or may be, inundated temporarily by floodwater.

(10) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(11) "Illegal discharge" means any direct or indirect pollutant-bearing discharge to the municipal stormwater system, receiving waters, or Waters of the State, except as exempted by AMC 12.10.010.

(12) "Illicit connection" is defined as either of the following:

(a) Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the stormwater system including, but not limited to, any conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the stormwater system and any connections to the stormwater system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

(b) Any drain or conveyance connected from a commercial or industrial land use to the stormwater system that has not been documented in drawings, maps, or equivalent records and approved by the City.

(13) "Impervious surface" means an improved, altered, or constructed surface which generally prevents infiltration of surface water, including but not limited to paved streets, graveled or paved areas such as parking lots and driveways, oiled, macadam or other treated surfaces, walkways, roof surfaces, and patios.

(14) "Land-disturbing activity" means any activity that exposes the soil to erosion.

(15) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the Environmental Protection Agency or the State of Oregon that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(16) "New development" means a project that creates and/or expands the area of impervious surfaces, including but not limited to:

(a) Structural development, including construction of a new building or other structure;

(b) Expansion or alterations of an existing structure that result in an increase in the area of impervious surfaces;

(c) Construction of new parking lots, roads, alleys, pathways, and other impervious surfaces; and

(d) Expansion or alterations of parking lots, roads, alleys, pathways, and other impervious surfaces that results in an increase in the area of impervious surfaces.

(17) "Nonpoint source" means any source of water pollution that is not associated with point sources. Generally, a nonpoint source is a diffuse or unconfined source of pollution that can either enter into or be conveyed by the movement of water into the municipal stormwater system, receiving waters, or Waters of the State.

(18) "Non-stormwater discharge" means any discharge to the stormwater system that is not composed entirely of stormwater.

(19) "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

(20) "Point source" means any discernible, confined, and discrete conveyance, including but not limited to pipes, ditches, channels, tunnels, or conduits from which pollutants are or may be discharged to a receiving water(s).

(21) "Pollutant" means any material or substance that may alter the chemical, physical, biological, and/or radiological condition of the Waters of the State.

(22) "Pollution" means the human-made or human-induced contribution of any pollutant into the municipal stormwater system, receiving waters, or Waters of the State.

(23) "Post-construction stormwater quality" means the quality of stormwater runoff, after construction is complete, from a development or redevelopment project.

(24) "Post-construction stormwater quality facility" means permanent stormwater infrastructure incorporated into a development or redevelopment project designed to reduce pollutant loads and runoff velocity from impervious surfaces, and which may also include improvements constructed to reduce the quantity of stormwater runoff leaving the site.

(25) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(26) "Property owner (owner)" means the person(s) or entity(ies) holding legal title to the subject property.

(27) "Redevelopment" means a project that alters or improves the "footprint" of an existing site and/or building. Redevelopment includes the replacement, alteration, or upgrade of an impervious surface that is not part of a routine maintenance activity.

(28) "Stormwater Fund" means an Enterprise fund through which the cost of providing utility service will be primarily user fee financed and is analogous in its structure and operation to other Enterprise funds maintained by the City, such as the sewer and water funds.

(2829) "Stormwater system" means any watercourse or facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems or ditches, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures. The municipally-owned portion of the stormwater system may also be referred to as a municipal separate storm sewer system (MS4).

(2930) "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from precipitation events.

(3031) "Toxic" means any substance or combination of substances listed as toxic in regulations promulgated by the Environmental Protection Agency in Section 307(a)(1) of the Clean Water Act or Title III Section 313 of the Superfund Amendments and Reauthorization Act.

(3132) "Vegetated post-construction stormwater quality facility" means a post-construction stormwater quality facility wherein the primary means of stormwater treatment is by filtration through soil and plant material. This may also be referred to as a low impact development (LID) facility.

(3233) "Water or Waters of the State" means all natural waterways, intermittent streams, constantly flowing streams, lakes, wetlands, and all other navigable and nonnavigable bodies of water which are wholly or partially within or bordering the State or within its jurisdiction.

(3334) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently and, if the latter, with some degree of regularity. Watercourses may be either natural or artificial. (Ord. 5841 § 3, 2014; Ord. 5727 § 1, 2010; Ord. 5498 § 1, 2001).

Section 3. Albany Municipal Code Chapter AMC 12.30, Stormwater Management Fees, is hereby created as follows:

Chapter 12.30, Stormwater Management Fees is hereby re-titled to **Stormwater Utility**.

12.30.010 Stormwater Utility

There is created and established a stormwater utility with the assets, authority, and responsibility for administration, planning, design, construction, maintenance, and operation of stormwater conveyances and facilities. Additional specific mandates, authority, and delegations may occur, from time to time, by appropriate City Council actions. All references to "the Utility" in this title refer to the Stormwater Utility. The administration of the Utility shall be as set forth herein.

12.30.020 Stormwater Fund.

The "stormwater fund" is created and established.

- (1) **Service Charge Imposed.** A stormwater service charge shall be imposed on all persons or premises that contribute to the stormwater system or that otherwise use or benefit from the stormwater system, and said persons shall be responsible for paying the stormwater service charge. All monies received from stormwater service charges shall be deposited into the Stormwater fund.
- (2) **Service Charge Rates Set by Council Resolution.** Stormwater service charge rates will be set by Council resolution. The stormwater service charge shall be developed and implemented such that it is not a tax subject to the property tax limitation of Article XI, Section 11b of the Oregon Constitution. The Director shall recommend adjustments to the stormwater service charge rates to the City Council as it becomes necessary. The City Council shall consider such recommendations and may approve or further adjust the stormwater service charges as the Council deems necessary to meet policy objectives, to meet the Utility's revenue requirements, or to meet the overall financial needs of the Utility.
- (3) **Customer Classification.** Customer account classification and other stormwater charge-related calculations shall be determined by the Director or the duly authorized representative. Any appeal of the Director's determination shall be made in writing to the City Manager. The City Manager's determination will be final.

12.30.030 Adjustments, back-billing, and refunds.

The Utility may make adjustments, back-bill, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the Utility may make adjustments where it is deemed necessary on a case-by-case basis as determined by the Director for the proper conduct of the business of the Utility. A full explanation of the reason for the adjustment or refund must be filed with the office records and will be made available upon request. Refunds are to be made to the party that made the payment.

12.30.040 System Development Charges.

When adopted in accordance with Chapter 15.16 of the Albany Municipal Code, all monies received from stormwater system development charges shall be deposited into the stormwater fund. Such funds shall be accounted for separately from those received from stormwater service charges.

Section 4. Utility Assets. Relevant stormwater-related property and assets assigned to the Public Works Department, including but not limited to real property, easements, pipes, manholes, inlets, outfalls and equipment, known by the City to exist, are hereby transferred to the Utility and shall be separately accounted for in official City records per customary municipal accounting principles. Stormwater-related property and assets may from time to time be added to or removed from the Stormwater Utility asset inventory, and the authority to make those changes is hereby delegated to the Public Works Director or the duly authorized representative.

Section 5. Effective Date. Because this ordinance is intended to provide a complete legislative framework for the creation and administration of the Utility, this ordinance shall take effect and be in force thirty (30) days after its passage and approval.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, January 13, 2016
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Konopa led the pledge of allegiance to the flag.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Bessie Johnson, Ray Kopczynski, Dick Olsen, and Floyd Collins.

Councilors absent: None.

SPECIAL PRESENTATION

Fire Department Civilian Awards.

Fire Chief John Bradner presented Civilian Lifesaving Awards to Valu Inn employees Jessica Strawn and Amanda Jergins (see agenda file). On September 2, 2015, the two found a person who had been injured and was bleeding badly. They rendered first aid and saved the person's life. Bradner thanked both for their efforts and presented a plaque to Strawn. Jergins was not present.

Konopa thanked the women on behalf of the City Council.

SCHEDULED BUSINESS

Communications

Accepting Mark Azevedo's resignation from the City Tree Commission.

MOTION: Councilor Ray Kopczynski moved to accept Azevedo's resignation and send a letter thanking him for his service. Councilor Rich Kellum seconded the motion, which passed 6-0.

Accepting Chuck Leland's resignation from the Albany Arts Commission.

MOTION: Kopczynski moved to accept Leland's resignation and send a letter thanking him for his service. Kellum seconded the motion, which passed 6-0.

Albany Industry Partnership Update.

James Merryman, President and COO of OFD Foods, 4714 Springhill Drive NW, passed out a document titled "Update on Economic Development Fund Award" (see agenda file). He read from the report. The consortium is filling classes at Linn Benton Community College (LBCC), and graduates are getting jobs. People from Oregon and out of state have contacted the consortium for information about the program. The Council should be proud of what they helped to make happen.

Merryman said LBCC went to a national community college event late last year, where Merryman, LBCC President Greg Hamann, and Anne Buchele gave a talk about the program. They were asked how they were able to pull all of the groups together to work on a common mission. The question became a large part of the discussion at the event.

David Becker, Dean of Business Applied Technology and Industry, 3510 NW Glen Ridge Drive, Corvallis, said the program has become a model of how to do this kind of partnership. Local and regional groups have requested presentations on the program, and they've presented to local businesses and high schools. The program has also helped LBCC attract and hire instructors. He said the Council's support for the program has been a "force multiplier," worth much more than the new equipment, and he thanked the Council.

Merryman said the workforce has developed a program called Pipeline to make sure students, teachers, and unemployed workers know of the demand for manufacturing employees in the area. They've presented the program in high schools and middle schools, and have put together tours of area employers and LBCC for teachers and students.

LBCC Workforce Development Director Josephine Fleetwood, 2690 Oak Grove Loop NW, handed out three marketing items: a Career and Technical Education Signing Day Application (see agenda file), a Pipeline brochure (see agenda file), and the "Pipeline Mission Statement" (see agenda file). She described how they use the website, and showed the Pipeline video.

Merryman described the types of classes offered in the program. LBCC is working to create space for the equipment needed for the advanced classes in the program.

Becker said they've been working with Economic Development & Urban Renewal Director Kate Porsche to allocate the funds received. They are in the process of purchasing a nondestructive test immersion tank, and have received a quote that will save over \$60,000. They are aware that the City needs to be flexible with the allocation of funds, and will keep communicating with Porsche. The earliest that phase two of their cash flow plans would start is September 2016.

Merryman asked if the Council would be interested in tours of the City's high schools, LBCC, and participating businesses to see the program in action.

Councilor Floyd Collins thanked everyone involved in the process, which goes back several years. The city has been fortunate to have a group that's been able to create the vision, and to have the funds to start it up; the return is in the long-term. A thousand jobs for the community in five years is huge, and we did it with a home-grown process. Not everyone is designed for a four-year curriculum. This is the track we have to be on.

Konopa said the Council will schedule a tour.

Quasi-Judicial Public Hearings

VC-02-15, CU-07-15, and RL-10-15; development of a new Albany Police Station.

Open: Konopa declared the public hearing open at 7:40 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

All of the Councilors reported that they have driven past the site.

Konopa asked if any Councilors wished to report any ex parte contact. No one did. Konopa said that during the process she received comments from members of the public, most of them at the neighborhood meeting.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wished to challenge the City Council's right to determine this matter, or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify there is a sign-up sheet at the table (see agenda file).

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed toward the approval standards that staff will describe, or other criteria in the comprehensive plan or development code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Staff Report.

Lead Current Planner David Martineau gave a PowerPoint presentation (see agenda file).

There was a revised ordinance with an emergency clause on the dais (see agenda file).

Martineau said the first hearing tonight is about the new Albany police station, which involves three land use applications: a Street and right-of-way (ROW) Vacation, Conditional Use, and a Replat. Because this project involves a street and drainage ROW vacation, it requires two public hearings – one at the Planning Commission and one at City Council.

The proposed use for the property at 2600 Pacific Boulevard SW is a new police headquarters to serve the residents of Albany. The development will include 101 on-site parking spaces, together with landscaping around all sides of the building, with buffering and screening consisting of trees, shrubs, and an 8-foot block wall on the western side of the property to screen the development from adjoining residences.

The property is zoned Office Professional (OP) and Residential Single Family (RS-5). Properties to the north and south of the site are zoned OP and are presently developed with medical office and other commercial uses. The property across Pacific Boulevard to the east is zoned LI, and property to the west and southwest is zoned Residential Single Family (RS-6.5), except for a pocket of Residential Medium Density, or RM, to the west that contains six condominium units.

Development of the new police station is contingent upon the vacation of the abutting portion of Willetta Street SW, where it bisects the site, and the south half of the Cathey Creek ROW abutting the site to the north. The City will retain utility easements over the entire length of both the vacated Willetta Street and the Cathey Creek drainage channel. These proposed vacations meet all vacation review criteria.

Martineau said that Council approval of both vacations are in the form of an ordinance. There is a revised ordinance which includes an emergency clause on the dais (see agenda file). Without it, there would be significant impacts to the project that would cause a delay of four to six weeks in starting the bidding process. Martineau said that City Engineer Staci Belcastro will address this in more detail following this presentation.

Martineau said the biggest concern regarding street vacations is that the vacated area goes to private property owners. In this vacation proposal however, the property will remain public. If, at some point in the future, there was a need for a street again, City Council could simply restore it as a street.

Martineau said ORS Chapter 271 governs the process for vacating streets and ROWs within incorporated cities, and Albany Development Code (ADC) Section 2.630 lists review criteria, which must be met for the vacations to be approved. The City Council agreed to initiate the vacation proceedings for Willetta Street on July 8, 2015, and the south half of Cathey Creek ROW on July 22, 2015, and directed staff to prepare applications for both vacations. Public utility easements will be retained where public utilities exist.

The required easements shall be centered over the utility mains and shall be 20 feet wide for sewer, and 15 feet wide for water. A public utility easement shall be provided over the entire 20-foot wide area to be vacated along the Cathey Creek ROW.

Martineau said that community service uses, such as public safety facilities, are permitted through the conditional use process in both the OP and RS-5 zoning districts. The new police station will be a 24-hour operation in a building containing office and public safety institutional uses. The proposed building will be two stories, with a maximum height of 39 feet. Parapet walls are proposed that screen mechanical equipment on the roof. The building will meet commercial and institutional design standards through the use of architectural features such as ground-level transparency, varying building materials featuring masonry veneer, structural masonry, and metal panel walls.

Martineau said the ADC allows exceptions to building height for roof structures and architectural features. Additionally, in districts where religious institutions and certain public and semi-public buildings require conditional use approval, the height restrictions may be waived as a part of the conditional use proceedings provided that a request for such has been noted in the public hearing notice (ADC 3.340(2)).

The size of the lot and the orientation of the development toward the east side of the property facing Pacific Boulevard adequately mitigate size and scale. Site plans show a combination of landscaped buffer and screening and ample building setbacks to protect neighboring properties on all sides, including the residential uses to the south and west. The building will be set back 85 feet from the RS-5 zoning district line, and over 246 feet from the nearest residences to the west. There will be one new driveway to Pacific Boulevard along the frontage of the site. That driveway will be the primary access point for the police station. Because Pacific Boulevard is part of the state highway system, ODOT needs to approve the construction of the new driveway. The development will also dedicate public ROW and construct a cul-de-sac bulb and two driveways on the south boundary of the site at the end of Willetta Street, both of which will provide secondary access.

The police property is not located within the Airport Approach district, 100-year floodplain, Natural Resource Overlay district, or Historic district. The subject property is in a part of town where wetland inventories were not studied; therefore, the City hired a wetlands consultant to determine the presence of wetlands and delineate their boundaries on the site. Development can proceed in accordance with Oregon Department of State Lands/U.S. Army Corps of Engineers permitting and mitigation requirements. There are no other local special purpose districts to consider.

Martineau said the third land use application involves a replat to combine two parcels, along with the vacated portions of Willetta Street and Cathey Creek, into one parcel under the same ownership. The proposed development would utilize the entire site and would also dedicate the Willetta Street cul-de-sac bulb.

Adjoining land is currently developed and has access to existing rights-of-way. Combining two parcels into one lot totaling 3.74 acres allows for construction of the proposed police station. This replat meets all applicable review criteria.

The following sets of review criteria were used in the evaluation of the proposed police station: Vacation criteria found in Section 2.630 of the Albany Development Code; Conditional Use criteria in Section 2.250; and Tentative Plat Review criteria contained in ADC Section 11.180.

In conclusion, Martineau said, the staff report reviews and evaluates a consolidated Street Vacation, Conditional Use, and Replat application submitted by Mackenzie on behalf of the APD for conformance with the ADC. As proposed and conditioned, the application for a street vacation, conditional use review, and replat to develop a new police station satisfies all of the applicable review criteria as outlined in this report, therefore staff and the Planning Commission recommend that City Council adopt the Vacation ordinance and approve the development with all proposed conditions.

Applicant Testimony.

Police Chief Mario Lattanzio thanked everyone who has worked on the project. It's been a lot of meetings and hours. APD just received the 90% plans. So far the project is within budget. The construction phase will begin towards the end of February.

Engineering Manager Staci Belcastro listed future project milestones. Bidding for construction will occur in April and May, and groundbreaking will be the first week in July, with substantial completion expected in June 2017. She said staff is requesting the emergency clause because without it, the notice of decision could be delayed by up to six weeks, delaying bidding and construction and possibly increasing costs.

Public Testimony.

Tom Cordier, 2240 Park Terrace Drive NW, said he is generally in favor of the project but would like to make four points. He thanked Martineau and Transportation Systems Analyst Ron Irish for helping him try to understand the process and to find the information he needed. He asked Martineau to put the site plan map back on the screen.

Cordier said his first point was the zoning of the parcel, which was first brought up months ago in the Public Safety Facilities Review Committee (PSFRC). The Committee was told they didn't have to worry about zoning, but now we are here in a hearing. When the PSFRC toured the current Police Department building, they were told that the APD wanted their own jail. He objected then that the Police wouldn't need a jail because Linn County had just passed a bond to open all their jail beds. He said that OP zoning does not allow jails or detention facilities. In the neighborhood meetings, Lattanzio said that the facility would not be a jail. It would have five temporary holding cells. He objects that the application for conditional use doesn't ask for permission to run a detention facility. He believes this will be a detention facility. He said the ADC doesn't define "temporary holding cell." He wants the process to be delayed until a definition of "temporary holding cell" can be added to the ADC.

Cordier's second point is traffic. He pointed to the entrance and exit on Highway 99E and to another sliding gate at the Willetta Street cul-de-sac, which he assumes will be locked. He wants the documents to state that the gate should be locked. He said the traffic study estimates about 500 trips per day, with no distinction between police and staff and the general public. The south end of Willetta and the office parking lot is crowded during the day. He doesn't want a lot of traffic coming out of the Police station that way. He wants the traffic study to distinguish between staff and citizens.

Thirdly, Cordier believes that the entire process of buying land, siting the building, and the PSFRC, is ex parte. He thinks that the City cannot be unbiased.

Lastly, Cordier requests that the record remain open so holding cells can be defined and allowed for in the Conditional Use, and so the issue of the traffic can be reviewed. Other than that, he is in favor of proceeding.

Daryl Pepper, 3200 Davidson Street SE, former police chief of Albany, said this is his 416th City Council meeting. Only Councilor Dick Olsen has more. Pepper said his concern is how the project started out. The property was purchased in 2009. He thought the levy was for continuation of construction of the Jackson Street building. The City used money on hand to build the Jackson Street facility, using the same construction and design firm as the one Linn County used for their jail. APD built a facility recognized as one of the best in the state.

Pepper said he is concerned that this property is "a marsh." He said the property was purchased without consideration of its wetland status and that information didn't come out until November 2015. He is also concerned about traffic access. He said the daily traffic count on Highway 99 is 18,500. It is a five-lane highway and the speed is 45 mph, with a long stretch with no traffic lights so people likely go faster. Therefore, officers don't have a good chance to get onto the highway safely.

Pepper said part of the way we get through Albany is controlled by railroads. If an incident occurred on Queen Avenue and Geary Street, traffic is often backed up at the railroad crossing. There are two railroad crossings at 34th Avenue. It's easier to get around train traffic from the current police station.

Another concern is that all the police equipment will be in one place. Fire Department equipment is in different parts of town and the closest responds.

Pepper asked if any of the Council has visited the site and walked around. Konopa said technically the Council is not supposed to visit the property in a land use case. Pepper said the south end of the property is 6 feet below the highway and at the north end it's about 12 feet below the highway. The driveway's slope is about 7%, which confuses vision lines.

Pepper is also concerned about traffic in the neighborhood.

Joanne Maddy, 1133 29th Avenew SW, just moved there in September 2015. She is not opposed to the project, but the Council needs to know there is a concern for Willetta Street, which is narrow. If cars are parked on both sides, a fire truck or ambulance cannot get through. She thinks Pepper is right about the trains. She doesn't even use Queen Avenue. She chose her house for its location and property value, but she is concerned about bright lights in the parking lot and about noise, like sirens. She knows the studies have been done but hopes the Council will continue to monitor and be mindful of their requests. The neighbors will be watching.

Ray Hilts, 2748 Foxglove Loop SE, said he enjoys the comments, but if some of the commentors had attended City Council meetings or read the newspaper, there has been discussion on Willetta Street for well over a year, and he believes the neighborhood gave the okay. He believes the gate will be locked most of the time, and the entrance and exit on Pacific Boulevard will be used. So, some of the people commenting tonight would have heard that in the past, had they attended those meetings.

Brian Varricchione, 1515 SE Water Avenue, Portland, is a land use planner at Mackenzie. He has worked closely with the City's Planning and Engineering staff and the Police Department. He said tonight's discussion is very useful to the Council and the community. Regarding the Development Code definitions, he said police stations are classified as community service uses. Holding cells are incidental to the use, which is primarily office space, storage, and some community space. He doesn't think this project falls into the category of detention facility or jail because it is not built solely for that use.

Varricchione said the traffic study estimated 492 one-way trips to and from the station. Most will use Pacific Boulevard. Willetta Street will be secondary, which should minimize impacts to the neighborhood. As to the safety of the entrance and exit to the highway, ODOT has jurisdiction. Mackenzie and the City engineers worked with ODOT to site the driveway optimally to maximize sight lines and minimize traffic conflict. Varricchione also said the parking lot lights have cut-off features that direct light downward rather than spilling over onto adjoining properties.

Close: Konopa closed the public hearing at 8:47 p.m.

City Attorney Sean Kidd read the revised ordinance on the dais for the first time in title only: AN ORDINANCE VACATING A PORTION OF THE WILETTA STREET RIGHT-OF-WAY NORTH OF 29TH AVENUE, AND A PORTION OF CATHEY CREEK DRAINAGE RIGHT-OF-WAY WEST OF PACIFIC BOULEVARD, IN ALBANY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

MOTION: Councilor Bill Coburn moved to have the Ordinance read a second time in title only and Councilor Bessie Johnson seconded it. The motion passed 6-0.

Kidd read the ordinance for the second time in title only.

MOTION: Coburn moved to adopt the ordinance and Johnson seconded it.

Collins asked if the Council needed to address the Conditional Use as a separate item, or if it was included in the ordinance. Martineau said the Conditional Use and replat are in a second motion on a blue sheet in front of the Council.

VOTE: A vote was taken on the motion and it passed 6-0, and was designated Ordinance. No 5864.

MOTION: Collins moved that the City Council approve the request for a conditional use review and replat to construct a new police station; this motion is based on the findings, conclusions, and conditions of the staff report and testimony presented at the public hearing. Coburn seconded the motion and it passed 6-0.

Konopa said, within five days of the decision the Community Development Director provides written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be

appealed to LUBA by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

VC-03-15, CU-08-15, and RL-11-15; development of a new Albany Fire Station.

Open: Konopa declared the public hearing open at 8:51 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. No one did.

Konopa asked if any Councilors wished to report any ex parte contact. Collins said he has attended several public meetings on this issue. Other Councilors have as well.

Konopa asked if any Councilors wished to report a site visit. All of the Councilors have driven past the site.

Konopa asked if any Councilors wished to abstain from participating in the proceedings. No one did.

Konopa asked if anyone wished to challenge the City Council's right to determine this matter, or the participation of any Councilor in this hearing and decision. No one did.

Konopa said for those wishing to testify there is a sign-up sheet at the table (see agenda file).

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed toward the approval standards that staff will describe, or other criteria in the comprehensive plan or development code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Konopa called for the staff report.

Staff Report.

Planner II Melissa Anderson said this project is to replace Fire Station 11, which is 65 years old. Anderson gave a PowerPoint presentation (see agenda file).

Anderson said there would be a plaza at the entrance. The applications for street vacation, conditional use, site plan review, and replat are processed concurrently. The Planning Commission has recommended approval and it now comes before the City Council for a final decision.

The proposal includes an apparatus bay, offices, living quarters, community room/classrooms, and on-site parking. The project will provide for landscaping, buffering and screening between uses, and a plaza at the main entry at Lyon Street.

Anderson said the Vacation will provide for emergency vehicles to pull through from Baker. It will help to avoid back-up movements on Lyon Street and is a more direct route to Ellsworth Street. Water and sewer lines in Sixth Avenue will be abandoned as part of this vacation.

The replat consolidates several parcels. Anderson described the different zoning districts and surrounding property uses. The adjoining land will not be landlocked; access to public streets will still be provided.

The review criteria include portions of ADC 2.360, 2.250, 11.180, and 2.450. Anderson said it meets the criteria as proposed and with conditions outlined in the staff report. The Planning Commission recommends approval with conditions.

Collins pointed out for the record that the locations of the Democrat Herald and Mark Thomas Motors are switched on the PowerPoint slide.

Applicant.

Bradner said that like the police station, the fire station has received its 90% plans and is on budget. Richard's Cleaners is being demolished, and should be down by the end of the week. The Ralston Building will be dismantled the week of January 25, and the Edward Jones building will be moved February 21. Station 11 will be demolished in May or June.

Engineering Manager Staci Belcastro said that in February, Public Works will issue a public notice to prequalify bidders, and also submit drawings to the Building Division. Bidding for construction will happen

in April and May, and construction will start the first week in July. Staff requests that the Council adopt the revised ordinance with the emergency clause (see agenda), so that the project is not delayed, which would increase costs.

Coburn asked if the fire station would be completed in June 2017, like the police station. Belcastro said yes.

Public testimony.

Cameron Settlemier, 230 Seventh Avenue SW, said he is not opposed to the fire station itself, but he is opposed to the destruction of the Ralston building. The building was Albany's first Dodge dealership, built in 1915. It was built right next to the Ralston house, which was common then. Architecturally it is representative of the Hackleman National Historic District. It was a transition building between the residential neighborhood and the commercial district. It still serves as a buffer. Review Criterion 1 requires the project to be "consistent" with the base zone and operating characteristics of the neighborhood. He doesn't see how it is consistent with the Ralston property, which is zoned Hackleman-Monteith. He said the structure itself isn't being converted but its use is being converted from a building to a parking lot. Conclusion 1.1 of the staff report says, assuming approval of the replat, the project meets the conditions. Settlemier said the assumption is based on rezoning the property, so the project doesn't meet the conditions. The appearance will not fit as well into the Hackleman-Monteith Historic District. The building will act as a buffer between the historic district and the fire station. The building footprints don't overlap, so he doesn't see why it is necessary to tear it down when it fits in a very small corner of the property.

His second concern is that last July the Council decided to move the building rather than tear it down. He hasn't heard of any effort by the City to move the building, so the Council is not holding up its own decision. Approval of the project would be a violation of their own decision and also a zoning violation. He wants the approval to include the condition that the structure be preserved in place or moved, rather than demolished.

Olsen asked if Settlemier knew the condition of the building. Settlemier said he heard it had dry rot. Olsen said he had heard the same. He asked if Settlemier knew of anyone who was interested in buying and moving the building. Settlemier said no, but he hasn't heard the City trying to find someone, either. Olsen said he recalls that the Council's intent was to offer the building if someone wanted to move it. Settlemier said the building is tucked right into a corner, so it's not interfering with the fire station. Discussion followed.

Settlemier said the City has set aside money for art, and compared the craftsmanship of the building to art. He suggested using some of those art funds to help move or preserve the building. He thinks the City is setting a bad example for owners of historic buildings by not doing its due diligence to try to move it or save it.

Rebuttal.

Bradner said the City took a number of steps to try to save or reuse the Ralston building. They determined that repurposing it would be too expensive because of dry rot and settling. The Fire Department worked with Economic Development & Urban Renewal Director Kate Porsche to try to attract a new owner, but there is inadequate parking for a business and under the ADC it could not be used as a house. The Fire Department does need that part of the property for access, parking, and a bioswale. They decided to repurpose the wood from the building, and on January 25, 2016, a salvage company will save all reusable lumber and some of the doors to reuse inside the new station. This is a good compromise. He said, we can't save it, but we can keep characteristics of the building alive in the new station for years to come.

Anderson addressed Criterion 1, regarding consistency with the neighborhood. She said a fire station is a community service use, which is allowed through the Conditional Use process in the Hackleman-Monteith zone. The historic district boundary is just outside of this property. If the property were in the historic district, the project would also have a historic review. The ADC requires buffering between the project and the residential district, which is provided on the site plan between the proposed fire station development and the residential uses to the east.

Close: Konopa closed the public hearing at 9:20 p.m.

Kidd read the revised ordinance on the dais for the first time in title only: AN ORDINANCE VACATING A PORTION OF THE SIXTH AVENUE RIGHT-OF-WAY, IN ALBANY, OREGON; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to have the Ordinance read a second time in title only. Kopczyński seconded the motion, which passed 6-0.

Kidd read the ordinance for a second time in title only.

MOTION: Coburn moved to adopt the ordinance and Kopczyński seconded it. The motion passed 6-0, and the ordinance was designated Ord. No. 5865.

MOTION: Collins moved that the City Council approve the request for a conditional use review, site plan review, and replat to construct a new fire station; this motion is based on the findings, conclusions, and conditions of the staff report and testimony presented at the public hearing. Coburn seconded the motion and it passed 6-0.

Konopa said, within five days of the decision the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice. A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a Notice of Intent to Appeal not later than 21 days after the decision becomes final.

Business from the Public

Heath Kasper, 33790 Meeker Hill Road, Albany, said the Council formed the Airport Commission, of which he's a member, to help manage the airport. The Commission learned about the sale of the armory property, which is a historic part of the airport, through the newspaper. The airport has finite property and money. It's self sufficient but not profitable. The money from the sale of the armory needs to stay at the airport.

Chuck Kratch, 1720 North Ferguson Drive, said a year ago the Airport Commission asked the Council to consider lending money to a private party to build hangars to increase revenue. Since then nothing has happened. He asked the Council to consider holding part of the armory funds to lend to private parties to build hangars on the site. This would increase revenue significantly and reduce dependence on City funding. The airport has no vacancies; all hangars are rented, and there are people who would use space if we had more. He would like to see the City reserve some of the funding from the sale for construction of additional hangars.

Konopa said since people in the audience are interested in this item, she will adjust the agenda to address the item now. Konopa moved the Airport Advisory Commission discussion regarding the revenue from the sale of the armory property.

Airport Advisory Commission

Public Works Operations Director Chris Bailey gave background for the discussion. She mentioned a letter from the Airport Commission in the agenda packet.

Kellum asked where the money came from to buy the airport. Bailey said she was unsure, but it was not federal.

Coburn asked about the history of the armory building. City Manager Wes Hare said about six years ago the National Guard asked if the City wanted to renew the lease, which prompted the City to research the original lease. The building was built in about 1970, and leased to the National Guard on a multi-year lease. The City never intended to use the property for money. It was taken out of airport use forty years ago. Linn County's offer was something of a surprise. The original discussions with Linn County were about the sale of the Police station. The Council agreed with staff to sell the armory. Linn County's offer for the armory and the police station was about equal to the value of the police station on the market. Regardless, the National Guard has the use of the facility for as long as they want it.

Kellum said Linn County may know more about the National Guard's plans. He heard that the Guard was considering consolidating units, which would mean they would need a larger space. Hare said a few years ago the Guard considered getting a regional facility. The City offered to assist, but did not hear from them again.

Konopa said that six or seven years ago, the City was unaware that it owned the Armory. At that time there were several good jobs there, so we wanted to keep it in Albany.

Ed Hemmingson, 4777 Becker Circle SE, said he's been in Albany since 1955, and learned to fly at the airport in about 1957. He wrote the history of the airport for the National Registry of Historic Places. A family of farmers named Stanburg originally owned the land. The City bought the land with local public funds in 1920 and established the airport. The aviation community feels that the proceeds from sale of any portion of the original airport should go back to the airport.

Johnson asked, when the City agreed to sell the armory, did we decide how to use the money? Hare said no, the Council did not designate how to use the money.

Kratch asked if the Council would consider allowing the Airport Commission to submit some specific proposals for use of the funding. Konopa suggested waiting to make sure the sale goes through; then the Council could, if they chose, send it to the Airport Commission.

Collins reminded the Council that when parcels on Opal Street were sold for restaurants and hotels, the money was set aside for money match for grant applications. He thinks it has been used over time. Bailey said most of that money went to a reserve fund. When the Airport operating fund looked as if it would go into the red, it was transferred in to balance the budget. Most of it still exists as a reserve of \$200,000. The airport also has a capital budget of about \$180,000 from transient lodging tax proceeds.

Olsen said he wants to have the discussion about the use of the Armory money before the next election.

Collins said he would like to see some information about the hangars and about airport users before the next discussion.

Konopa said after the property transaction is complete, this item will be scheduled for a future work session.

Collins asked if the Airport Master Plan has been completed. Bailey said the plan should be completed this spring. It will include recommendations for future improvements.

The Mayor called for a short recess.

The Council recessed for a break at 9:42 p.m.

The Council reconvened at 9:52 p.m.

Second Reading of Ordinance

Amending Albany Municipal Code 2.04.060, Voting.

Kidd read the ordinance for a second time in title only. The Council took no further action on this item.

First Reading of Ordinance

Amending Albany Municipal Code 2.25, Albany Human Relations Commission.

Kidd read the ordinance for the first time in title only.

MOTION: Coburn moved to have the ordinance read a second time in title only. Kopczynski seconded the motion and it passed 6-0.

Kidd read the ordinance for the second time in title only.

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

Kellum suggested looking at what the Human Relations Commission is supposed to do. He thinks sometimes they are not a committee for the Council so much as a committee for themselves. Bringing someone to the Council with a plight was not their original job.

Konopa said the Council can ask the Commission to make a report to the Council.

VOTE: A vote was taken on the motion and it passed 6-0 and was designated Ordinance No. 5866.

Adoption of Resolution

Approving an Intergovernmental Agreement with Lebanon and Tangent Fire Districts for a shared medic unit.

Bradner said the number of emergency responses has skyrocketed in the last five years. The Albany Fire Department (AFD) is answering more calls with fewer firefighters than five years ago. On January 3, 2016, the Department answered 48 calls, and 38 on January 4, 2016. On their busiest day in 2010, they answered 31 calls. They've seen an increase in work-related injuries and in overtime for covering injured workers' shifts.

Bradner said the Lebanon, Albany, and Tangent departments have been discussing how to collaborate. They have an agreement to jointly staff this shared unit to respond to medical calls only. The unit will be based in Tangent, where it can easily assist in Albany or Lebanon.

Johnson asked what kind of calls account for the increase. Bradner said the increase is across the board. Medical calls are consistently about 85% of the total. Discussion followed about priority response. Johnson said she thinks police and fire are the City's major responsibility. She thinks we need to consider more Public Service staff in the next budget year.

Olsen asked if Albany and Lebanon share a boundary for ambulance calls. Bradner said yes, and Albany shares a common boundary with Tangent, too.

Bradner said Amanda Jergins came late to the meeting tonight. He gave her the Civilian Lifesaving Award in the hall. Olsen asked if Bradner would ask her to come back another time to be recognized by the Council. Bradner said he will.

Collins mentioned the aging population and the new assisted living centers in Albany. He asked what kind of call volume comes from those facilities. Bradner said Bonaventure averages about one call a week. The department responds to senior facilities a lot. There was discussion about fees for non-transport calls. Collins said he believes some facilities have minimal staffing, so they call the paramedics to assist. That takes the paramedics off station without reimbursement for the service. Bradner said he and Hare have discussed billing the facilities. Collins said he thinks they should pursue that conversation.

Kopczynski asked about FireMed. Bradner said it sustains itself; in fact, after they raised the rate last year, membership increased.

MOTION: Collins moved to adopt the resolution and Johnson seconded it. The motion passed 6-0 and was designated Resolution No. 6472.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) October 14, 2015, Regular Session minutes.
 - b) October 26, 2015, Work Session minutes.
 - c) October 28, 2015, Regular Session minutes.
 - d) November 2, 2015, 4:00 p.m., Work Session minutes.
 - e) November 2, 2015, 7:15 p.m., Work Session minutes.
 - f) November 9, 2015, Work Session minutes.
- 2) Approving application and acceptance of the FY 2015-16 State Hazardous Materials Emergency Preparedness Grant on behalf of the Mid-Valley Local Emergency Planning Committee.
RES. NO. 6473

MOTION: Kopczynski moved to adopt the Consent Calendar as presented. Johnson seconded the motion and it passed 6-0.

Award of Contract

Approving a contract with InterCommunity Health Network (IHN) and appropriating funds for a one-year pilot Community Paramedic Program.

Bradner said there was a revised resolution on the dais (see agenda file). He said people often access the health care system in the most expensive way, by ambulance and emergency room visit. Two years ago the Fire Department became aware of a couple of community paramedic programs starting up in Oregon. AFD began talking to IHN about improving our current system. IHN is what used to be the Oregon Health Plan, or Medicaid. There are 45,000 members in Linn County, a significant part of the population. Bradner described the role of the community paramedic in helping people access and maintain appropriate care so they don't have to call 911. He thinks this will reduce the department's call volume.

Kopczynski asked if Albany is the only community in the state involved in the pilot program. Bradner said no. Redmond did a pilot program about a year ago. Tualatin Valley Fire District started their own program a year or two ago.

Coburn asked if the two people hired would be City employees, and if that would last for just one year. Bradner said yes. Coburn asked about their level of training. Bradner said one has been a City employee for 15 years. She would just transfer into the program. She is a trained paramedic and firefighter, with some compliance experience. They have not decided yet about the second employee. To meet benchmarks in the program, they have to keep good statistics, so the second person might do primarily data collection. IHN wants to see sustainability and scalability.

Discussion followed about staffing the position and the vacancies it would create, and the budget impact if backfill is necessary.

MOTION: Olsen moved to adopt the revised resolution and Kopczynski seconded it. The motion passed 6-0 and was designated Res. No. 6474.

Award of Bid

MS-16-01, Dave Clark Riverfront Trail Lighting.

MOTION: Collins moved to award the contract in the amount of \$298,008.10 to Crawford Electric, subject to subsequent Albany Revitalization Agency budget appropriation and Kopczynski seconded the motion.

Coburn asked if \$4,333.00 was the cost difference between the contractor furnishing the lights rather than the City. Belcastro said yes. Coburn said he thinks the difference is reasonable, given the responsibilities of ordering and receiving the lights, and the responsibility for the warranty.

VOTE: A vote was taken on the motion and it passed 6-0.

Appointments

City Boards, Commission, and Committees.

Collins said he has two more appointments coming.

Johnson said she has one more appointment coming.

MOTION: Collins moved to approve the appointments to City Boards, Commissions, and Committees as outlined in the staff. Johnson seconded it and the motion passed 6-0.

Council Audit Committee.

MOTION: Johnson moved to reappoint Sue Folden and Sharon Konopa to the Council Audit Committee. Collins seconded the motion and it passed 6-0.

Hospital Facility Authority.

MOTION: Kopczynski moved to appoint Will Summers and Rich Kellum to the Hospital Facility Authority. Collins seconded the motion and it passed 6-0.

City Council representatives.

MOTION: Collins moved to approve the City Council representatives as outlined in the staff report. Johnson seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Kellum said he is happy with the high caliber of people who have agreed to participate on the TLT Ad Hoc Advisory Committee. He heard a rumor that a board member on a recipient committee intended to quit the board in order to be on the Committee. The Committee is intended to be a neutral body. He also heard from some Council members that they didn't understand what they were voting on.

MOTION: Kellum moved that the Transient Lodging Tax Ad Hoc Advisory Committee be comprised of people who either live or work in Albany, and for the last six months have not been an employee or a board member of any organization that either receives or collects transient lodging tax. Johnson seconded the motion.

Collins said he thinks someone who either lives here or works here, or both, should be eligible.

Konopa said she doesn't think it's right to find out who is going to be appointed and then try to change the rules. She doesn't agree with the other appointees but she thinks the Council should respect other members' appointments.

Kopczynski said the scope given to the TLT Committee means that different views won't hurt, because they still have to come to a vote and then refer their recommendation to the Council for final approval. Each member will only get one vote.

VOTE: A vote was taken on the motion and it passed 4-2, with Olsen and Coburn voting no.

NEXT MEETING DATE: Work Session: January 25, 2016; and Regular Session: January 27, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 10:43 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, January 25, 2016
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 Bill Coburn, Floyd Collins, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors Absent: None.

BUSINESS FROM THE PUBLIC

None.

RECESS TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION OR LITIGATION
LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660(2)(h)

The Work Session recessed to Executive Session at 4:00 p.m.

RECONVENE

The Work Session reconvened at 6:07 p.m.

BUSINESS FROM THE COUNCIL

City Attorney Jim Delapoer distributed an Ordinance directing the correction of a scrivener's error in Ordinance No. 5864 (see agenda file). He requested Council's authorization to add it as an agenda item for the January 27, 2016, Regular Session, and there was consensus by Council to do so.

CITY MANAGER REPORT

None.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: John R. Bradner, Fire Chief *JRB*
DATE: March 16, 2016, for the March 23, 2016, City Council Meeting
SUBJECT: Reinstate Authorized Firefighter/EMT Positions in the Fire Department and Allocate Funding for FY 2015-16

RELATES TO STRATEGIC PLAN THEME: ● A Safe City

Action Requested:

City Council approval by resolution to reinstate three Firefighter/EMT positions and allocate funding for four Firefighter/EMT positions for one month in fiscal year (FY) 2015-16.

Discussion:

Since FY 2012-13, the Fire Department has maintained three authorized, but unfunded Firefighter/EMT positions. The Fire Department is proposing in FY 2016-17 to resume the funding for these positions and reduce overtime expense, and the costs associated with these positions will be included in the Fire Department's proposed budget.

The Fire Department's overtime expense has been increasing annually to maintain minimum staffing and address the continued increases in emergency calls, firefighter injuries, and authorized use of sick leave. In the current fiscal year, the Fire Department is on track to spend approximately \$875,000 in unreimbursed overtime expense, compared to \$723,300 last fiscal year. In 2015, there was at least one vacant Firefighter/EMT position 79 percent of the time that required overtime coverage in order to maintain minimum emergency staffing. The overtime cost to fill this vacancy was approximately \$400,000.

During FY 2015-16 City Budget Committee meetings a question was asked about the point at which it makes sense to hire firefighters rather than continue to increase overtime. The increase in this year's overtime expense compared to last year, made it apparent that a different approach is warranted. The proposed cost in FY 2016-17 for three Firefighter/EMT positions is \$334,500, and the overtime budget would be reduced to \$500,000.

In order to recognize overtime savings at the beginning of the new fiscal year, the Fire Department is requesting to hire three Firefighter/EMTs on June 1, 2016, and fill a pending vacant Firefighter/EMT position that will occur July 1, 2016. This would allow the four new firefighters to complete their training academy in June and be ready to respond to emergencies at the beginning of the new fiscal year. Funding for four positions for one month would be provided through the additional Ambulance Service revenue received above what was originally budgeted in the current fiscal year.

Budget Impact:

FY 2015-16 - \$33,000 for wages and benefits in the Emergency Services Program budget (100-25-1208).

JB:ljh
Attachment

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REINSTATEMENT OF THREE FIREFIGHTER/EMTS AND FUNDING FOR FOUR FIREFIGHTER/EMTS EFFECTIVE JUNE 1, 2016.

WHEREAS, the Fire Department has identified the need to add three additional Firefighter/EMT positions to address the increase in emergency calls and to maintain minimum staffing; and

WHEREAS, the Fire Department has maintained three authorized, but unfunded Firefighter/EMT positions since fiscal year 2012-13; and

WHEREAS, the Fire Department can fund three additional Firefighter/EMT positions in fiscal year 2016-17 by reducing its overtime expenses; and

WHEREAS, the Fire Department expects a vacant Firefighter/EMT position effective July 1, 2016; and

WHEREAS, by filling four Firefighter/EMT positions in June 2016, the Fire Department can provide a training academy so they are able to respond to emergencies effective July 1, 2016; and

WHEREAS, the Fire Department is generating greater Ambulance Service Fee revenue in fiscal year 2015-16 than originally budgeted that can support the one-month costs to fill four Firefighter/EMT positions effective June 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, the Albany City Council authorizes the Fire Department to reinstate three additional Firefighter/EMT positions effective June 1, 2016.

BE IT FURTHER RESOLVED, funds are hereby appropriated in fiscal year 2016-17 for Firefighter/EMT positions as follows:

	<u>Debit</u>	<u>Credit</u>
Resource		
100-10-1002-43032		\$33,000
Requirements		
100-25-1208-51001	\$18,900	
100-25-1208-56001	\$14,100	

DATED AND EFFECTIVE THIS 23RD DAY OF MARCH, 2016.

Mayor

ATTEST:

City Clerk