

CITY OF ALBANY  
CITY COUNCIL  
Council Chambers  
Wednesday, April 27, 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

West Albany High School city flag proposal.

Cole Pouliot, from WAHS, said they are there representing Greater Unified Albany Vexillological Association (GUAVA). Taylor Pokorney, President; Tanner Mills, Vice President;; Daniel Thompson, member; Kyle Smith, Webmaster; and Louis Morales-Ojeda, Treasurer, took turns presenting a Power Point presentation (see agenda file).

Thompson passed out booklets (see agenda file).

Morales-Ojeda thanked the City Council for allowing them to present.

Konopa said she visited GUAVA in their classroom to hear their proposal, and she was surprised by their process.

Councilor Bessie Johnson said that when her husband was a Linn County Commissioner years ago, they asked the high schools to do presentations for flag ideas, and that is how the Linn County flag came about.

Discussion followed about putting the proposed flags on the City's website or *City Bridges* for citizens to vote on.

Councilor Rich Kellum suggested broadening the request so more people can be involved. He wants it to be more inclusive. Councilor Ray Kopczynski offered to contribute \$100 to a prize fund for the chosen flag. Discussion followed.

Councilor Floyd Collins agreed with the process suggested.

Konopa thanked the students for taking on this project. A City flag will be a wonderful addition.

City Manager Wes Hare will be the contact for this project.

PROCLAMATIONS

Historic Preservation Month.

Konopa read the proclamation for Historic Preservation Month as outlined in the agenda packet.

Konopa noted that a two-page list of events to occur in May to celebrate Historic Preservation Month is in the Council agenda packet.

Mental Health Month.

Konopa read the proclamation for Mental Health Month as outlined in the agenda packet.

Konopa introduced Linn County Health Administrator Frank Moore. Moore offered thanks to the City Council and the Human Relations Commission for routinely contacting him and his department on an annual basis to help recognize May as Mental Health Month. The first week of October is Mental Illness Awareness Week. Moore said that one in four people deals with major mental illness during their lifetime, and changes in the health care

delivery system over the last 3-4 years have dramatically increased the ability to provide prevention and promotion. Moore said he has been in this field since 1974, and before the advent of coordinated care organizations in Oregon (the notion of prevention and health promotion in regards to mental health and mental illness issues) funding was difficult. Because of support and funding by InterCommunity Health Network, training has been provided for 500 people in mental health first aid in Linn County, to help recognize signs and symptoms and intervene to provide help.

Konopa recognized Annie McDonald, Case Manager for Albany Partnership for Housing. Konopa said McDonald appreciates the partnership with Moore's office.

Konopa said Moore and his staff do a fantastic job.

## SCHEDULED BUSINESS

### Public Hearing

- 1) Adopting the 2016-2017 Community Development Block Grant (CDBG) Action Plan.
- 2) Amending the 2014-2015 CDBG Action Plan as adopted by Resolution No. 6322.
- 3) Amending the 2013-2014 CDBG Action Plan as adopted by Resolution No. 6321.

Open: Konopa opened the public hearing at 7:43 p.m.

Planner III Anne Catlin manages the Community Development Block Grants (CDBG) for the City of Albany. These are federal funds that come through the Department of Housing and Urban Development (HUD) for community development projects and services. Program objectives include decent housing, suitable living environment, and expanding economic opportunities. The purpose tonight is to hold a public hearing on the plan that the Community Development Commission prepared for funding for the fiscal year starting July 1, 2016. There are also some minor amendments to move projects around. Catlin said another purpose is to hear from the community about other needs that could be supported by these federal funds.

Catlin gave a PowerPoint presentation (see agenda file), which outlined programs that will be offered this year and things that have already been done.

Councilor Ray Kopczynski explained that he works for Community Services Consortium (CSC) part-time. Because they are one of the CDBG recipients, he recused himself. He said CSC just learned that they have been fully funded for adult and youth services for the next year.

Councilor Rich Kellum asked Catlin to clarify why the money needs to be spent on projects as soon as possible. Catlin said that there are remaining funds in the 2013-2014 and 2014-2015 fiscal years dedicated to Sunrise Park. The plan amendments propose to put those funds towards other planned projects in the Sunrise neighborhood area, because those other projects can be completed independently of the wetlands timing and mitigation issues related to the park itself. Catlin said that once the Sunrise Park wetland issues are resolved, the City can move ahead with that project with current year funds.

Konopa pointed out people in the audience: Karen Cardosa and Chris Equinoa from the Community Development Commission, Executive Director for Linn Benton Housing Authority Donna Holt, and Case Manager for Albany Partnership for Housing Annie McDonald.

Konopa asked if anyone in the audience wished to speak. There were none.

There was no one on the signup sheet (see agenda file).

Close: Konopa closed the public hearing at 7:55 p.m.

MOTION: Collins moved to adopt the 2016-2017 Community Development Block Grant (CDBG) Action Plan; to amend the 2014-2015 CDBG Action Plan; and to amend the 2013-2014 CDBG Action Plan. Kellum seconded the motion and it passed 5-0, with Kopczynski recused. The resolutions were designated Resolution No. 6492, Resolution No. 6493, and Resolution No. 6494 respectively.

MOTION: Collins moved to authorize the Mayor to sign the certifying documents as required by the US Department of Housing and Urban Development (HUD); and to authorize staff to submit the 2016-2017 Action Plan and amendments to the 2013-2014 and 2014-2015 Action Plans to HUD after review and final approval. Kellum seconded the motion and it passed 5-0, with Kopczynski recused.

### Quasi-Judicial Public Hearing

#### VC-01-15, First Avenue Street Vacation for the Albany Historic Carousel and Museum.

Konopa said the next agenda item is a quasi-judicial public hearing regarding: VC-01-15, First Avenue Street Vacation for the Albany Historic Carousel and Museum.

Open: Konopa opened the quasi-judicial public hearing at 7:58 p.m.

Konopa said for those wishing to testify there is a signup sheet at the table.

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. Konopa commented that they have all heard about the Carousel.

Konopa asked if any Councilors wished to report a site visit. Konopa commented that most have visited 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, 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 towards the approval standards 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 is for a street vacation of a portion of First Avenue to accommodate the proposed Carousel. The Carousel project is being processed as a separate land use application under a site plan review process.

Anderson gave a PowerPoint presentation (see agenda file).

Kellum asked, what is the value of the property we are vacating? He pointed out that the City is donating something of value and that should be acknowledged. City Attorney Jim Delapoer said that public right-of-way (ROW) is not land we own, but that the City of Albany has an easement over for the benefit of the public. He explained that vacating it means we are simply lifting the easement, and it goes back to the owner. Discussion followed. Kellum said his point is that the City is donating something of value and that it should be recognized.

City Councilor Bessie Johnson asked how the vacation will impact First Avenue, Second Avenue, and Washington Street intersections. Transportation Systems Analyst Ron Irish said the vacation itself won't trigger a conversion of those intersections to an all-way stop, but the Transportation System Plan (TSP) does have a project that envisions all-way stops at Washington Street, Second Avenue, and First Avenue. Irish said that when construction starts, that may be the point when an all-way stop is created. Citizens have requested a stop at that intersection before, primarily residents heading on Washington Street towards the Senior Center. Irish described what would happen to traffic during construction of the Carousel.

#### Applicant Testimony.

Applicant Doctor Gary Goby said he is excited about moving ahead on this project. He would like to get this out of the way. He noted that there was a \$2,100 permit for street vacation application. Konopa thanked him for his contribution.

#### Public Testimony

Konopa asked, does anyone wish to speak in support of the application? No one did.

Konopa asked, does anyone wish to speak in opposition of the application? No one did.

Konopa asked, does anyone wish to speak who is neither in favor nor in opposition to the application? No one did.

There was no one on the signup sheet (see agenda file).

Konopa asked, does the applicant have any rebuttal testimony? No one did.

Konopa asked, does any staff member wish to respond to any testimony presented? No one did.  
Close: Konopa closed the public hearing at 8:10 p.m.

City Attorney Jim Delapoer read for the first time in title only “AN ORDINANCE VACATING A PORTION OF THE FIRST AVENUE RIGHT-OF-WAY IN ALBANY OREGON.”

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

Delapoer read the ordinance a second time in title only.

MOTION: Coburn moved to adopt the ordinance and Johnson seconded it. The motion passed 6-0 and was designated Ordinance No. 5870.

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.

#### Business from the Public

Tom Cordier, 2290 Park Terrace, said that on April 19, 2016, he filled a referendum petition to repeal Ordinance No. 5869, which was passed April 13, 2016. The Ordinance created a stormwater utility. He said, because it is an ordinance, it is legislative and can be challenged with a referendum petition. He read a portion of the ordinance. He said he has 90 days to collect signatures. He thinks that will be easy to do. His concern is that if the ordinance stands, administrative costs will increase in the City to administer this new public utility, and the fee schedules will be passed by resolution, and a resolution cannot be challenged by a referendum petition. He said that now is the only time to file the referendum petition, because it does not lay out a fee schedule, how it will be implemented, and the administrative costs. He said the question is how to keep voters engaged in the process. He said he is familiar with principle that initiative and referendum petitions cannot be filed against administrative decisions, only legislative decisions. He and the co-petitioner met with both City Attorneys to discuss this issue at length. He said he does not want to be perceived as just “the no guy”, so he is proposing that the City Council provide assurances, hopefully in written form, that the fees and administrative costs, when they are understood and available, would be done by ordinance only, and not resolution. That way, citizens can have a voice if they don’t like the fee schedule or the administrative costs. If the Council will do that, he will withdraw the referendum petition. He says he is not trying to get the City to not be in compliance with state and federal requirements; rather, he is concerned about growing bureaucracies that are accountable to no one. He offers this as a proposal. He received the ballot title for the referendum petition today but he does not agree with it. He acknowledged that it would be a difficult ballot title to write, so his proposal is one way out of the box. He is concerned about using a resolution or an ordinance for adoption.

#### Adoption of Resolution

Waiving competitive bidding and awarding a special procurement contract for the continued operation of a photo red light enforcement program to Redflex Traffic Systems, Inc.

There was an email on the dais from Jim Lissner that the Councilors had received (see agenda file).

Police Chief Mario Lattanzio said this is a special procurement for continuing a contract we have with Redflex Traffic Systems, Inc. Lattanzio said there are no changes; it is the same contract with the same company, but we must use a special procurement procedure in order to continue the service.

Lattanzio said that Redflex has been good to work with. He said they have received emails mostly from people out of state complaining about Redflex. When he was going to be the traffic lieutenant at his former agency, they had 34 traffic control systems for photo safety by another vendor, and in their first year the loss was one million dollars because the program was not managed and the contract was not well written. The goal for photo safety is not to generate money, but to improve traffic safety. At the same time, we want to be good stewards of the program to make sure it is working the way it should. There can be issues with the equipment and if the vendor is not making repairs in a timely manner, the city may lose revenues, which was Lattanzio’s experience at his previous agency. With Redflex, Lattanzio said, the City of Albany does not lose money.

Lattanzio showed traffic slides (see agenda file). The slides are posted to the website at [www.cityofalbany.net](http://www.cityofalbany.net). The slides are updated frequently so officers can focus their attention in areas that need it. Lattanzio said that photo safety is just one tool in the tool box. He described collisions and why they occur.

Lattanzio showed video clips from 2015 that showed vehicles running red lights. Lattanzio said the number one collision intersection is Queen Avenue and Geary Street based on the data they have available to date. The highest injury incidents occur at Waverly Drive and Santiam Highway, then Waverly Drive and Grand Prairie, and finally Geary Street and Queen Avenue. When the RedFlex program started in 2008 they distributed 1,119 citations; now they distribute about 500 a year. Lattanzio said the City only pays Redflex when a citation has been fully paid.

Lieutenant Alan Lynn said the state of Oregon sets the fines for tickets.

Lattanzio described the contract in detail. Before they add more cameras, they would ask the City Council. Discussion followed about violations and collisions. Lattanzio said the goal is to reduce injury accidents and serious injury accidents, and cameras help to reduce those numbers.

MOTION: Kopczynski moved to adopt the resolution and Collins seconded it.

Kellum said if this reduces accidents, he supports it. He asked, if a camera doesn't reduce accidents, can they move the camera? Lattanzio said there is a cost associated with moving the cameras. Discussion followed.

Olsen said people tell him that they avoid certain intersections, because they get tickets and they don't think it is right. Olsen said he will be voting no.

Lynn described the process from the point the camera takes a picture to the point when the driver receives the notification. Drivers have the option of claiming it is not them, or they can pay the fine, or they can plead not guilty. Discussion followed.

VOTE. A vote was taken on the motion and it passed 5-1, with Olsen voting no, and it was designated Resolution No. 6495.

## Reports

### Housing Fund disbursements.

Planning Manager Bob Richardson said the housing balance comprised of Community Development Block Grant (CDBG) funds is about \$283,000, which is considered program income, so the use of the funds is restricted. The state has asked the City to spend the funds as soon as possible for eligible projects. During the February 22, 2016, Work Session, the Council heard presentations from the Linn Benton Housing Authority (LBHA) and the Albany Partnership for Housing and Community Development (APHCD) regarding how those two organizations might use the funds if awarded to them. During the Work Session, Council directed staff to develop a recommendation on how to distribute the housing fund balance to one or both of the organizations that would directly respond to failing systems in the housing that is owned by the two organizations.

Richardson said that after reviewing the proposals from the two organizations, staff developed the recommendation that is before the Council tonight, which is to give the LBHA \$42,000 and the APH \$240,819. This funding would fully support the services identified by LBHA and the balance would go to APHCD.

MOTION: Kopczynski moved to disburse \$42,000 to LBHA and \$240,819 or the actual balance at the time of disbursement to APHCD. Collins seconded the motion and it passed 6-0.

## Adoption of Consent Calendar

- 1) Approval of Minutes
  - a) February 22, 2016, Work Session minutes.
  - b) February 24, 2016, Regular Session minutes.
- 2) Approving a temporary contract extension for citywide commercial card-lock fuel facility service with PetroCard, Inc.
- 3) Accepting conveyance of real property located at 405 Denver Street NE, Assessor's Map No. 11S-03W-05CB, Tax Lot 10200, from Gloria Jean Bodine by Quitclaim Deed. RES. NO. 6496
- 4) Licenses to Occupy Public Rights-of-Way
  - a) E-0090-16, Cellar Cat, 211 First Avenue NW.
  - b) E-0040-16, Samaritan Health Services, Hickory Street NW.

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

## Approval of Agreement

### Intergovernmental Agreement between Albany Police Department and Greater Albany Public Schools for the provision of School Resource Officers (SROs).

Lattanzio described the previous agreement. It was \$40,000 and Lattanzio tried to increase the amount to be more similar to the state rate of about \$50,000. The GAPS budget is on a two-year cycle so they didn't have a way to change it this year, so Lattanzio worked out a 50/50 agreement for a four-year term. The City of Albany has been taking on most of the cost, so this is a way to try to share the cost.

Johnson asked what schools the SROs respond to. Lattanzio said two SROs respond to West Albany High School, South Albany High School, and all the feeder schools. Johnson said it is important to have a presence in the schools.

MOTION: Collins moved to adopt the Intergovernmental Agreement between Albany Police Department and Greater Albany Public Schools. Kopczynski seconded the motion and it passed 6-0.

#### Appointment

##### Appointing Sam Flande to the Airport Advisory Commission.

MOTION: Collins moved to appoint Sam Flande to the Airport Advisory Commission. Coburn seconded the motion and it passed 6-0.

##### General Contractor for Police and Fire Facilities Construction Project request for prequalifications process update.

Engineering Manager Staci Belcastro said the memo in the agenda packet is a summary of the process staff went through to prequalify general contractors. The four contractors listed are prequalified to respond to the Invitation to Bid (ITB) for police and fire facilities. Documents will be provided to them on May 2, 2016.

Collins said that bids are due June 21, 2016, and the Council will award the bid on July 13, 2016.

##### Adoption of the Strategic Plan for FY2016 through FY2020.

Assistant City Manager/Chief Information Officer Jorge Salinas said staff made the changes that were requested at the last Council meeting. Discussion followed about the usefulness of the Strategic Plan (SP).

Salinas said the current measurements that have been completed are added to the City's Dashboard program on the City's website at [www.cityofalbany.net](http://www.cityofalbany.net). The data is represented in a graph so it is easy to see how the City has met its goals.

Collins said the SP is a good approach, but asks for timing. The adoption of the SP comes too close to the Budget process. Hare said the SP guides the preparation of the Budget. The goal is to get the SP done first and it is usually done earlier in the calendar year. Collins thinks there should be input early in the budget process if there are significant issues, and then have staff prepare a budget to incorporate them. Collins wants an update on the SP at last Council meeting in November, before staff starts the budget process in January.

MOTION: Kopczynski moved to adopt the Strategic Plan for FY2016 through FY2020. Kopczynski seconded the motion and it passed 6-0.

#### BUSINESS FROM THE COUNCIL

Collins said there was another incident at Springhill Drive and Highway 20. The truck's load shifted and the second truck couldn't miss it. Traffic was very backed up. Collins talked to the community and staff about what can be done to reduce the risk at that intersection. Two recent truck accidents occurred directly adjacent to the bike path and sidewalk. It is a safety issue and also an inconvenience for our community. He thinks all the impacted jurisdictions need to work on this. Discussion followed.

Collins asked the City Council to direct staff to talk to Benton County and ODOT about the intersection.

Konopa agreed with Collins. She said the two of them were at a North Albany Neighborhood Association (NANA) meeting where this was discussed. Collins said that ODOT is currently studying safety along a corridor of which Springhill Drive and Highway 20 is the terminus, so the discussion is timely.

CONCUR: The City Council concurred that staff should begin discussions with Benton County and ODOT regarding safety at the intersection of Springhill Drive and Highway 20.

Konopa discussed the letter that was sent to Oregon Geology and Minerals asking them not to relocate their facilities. Representative Andy Olson said they have rescinded their decision and it looks like they will be staying in the area.

Konopa was thankful that LBHA and APHCD will be the recipients of the housing funds.

Hare said the Land Conservation and Development Commission (LCDC) will be meeting on May 19, 2016. One of the issues that continue to come up is the constraints on development inside the Urban Growth Boundary (UGB) and the continuing trend to make it more difficult to expand UGBs. There are a lot of new restrictions inside UGBs. Wetlands are a huge issue for Albany. Discussion followed. The City of Albany is hosting a reception for LCDC at City Hall on May 19, 2016, at 5:00 p.m.

Collins said it is a great opportunity to talk directly to the decision makers. Collins said the Councilors talk to DLCD staff, but he is not sure the decision makers hear directly how the City of Albany is impacted. The imposing agencies need to understand the consequences. Notably, McMinnville and Newberg have spent 17 years trying to amend their UGBs. Discussion followed.

Albany City Council Regular Session  
April 27, 2016

NEXT MEETING DATE: Work Session: May 9, 2016; and Regular Session: May 11, 2016

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC  
City Clerk

Stewart Taylor  
Finance Director