

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Council Chambers
Monday, April 11, 2016
4:00 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 4:01 p.m.

ROLL CALL

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

Councilors absent: None.

BUSINESS FROM THE PUBLIC

Garry Steffy, 3874 Glendale Street SE, handed out a sample resolution opposing the Transpacific Partnership (TPP) agreement and similar trade deals (see agenda file), and requested that the Council consider passing the resolution. Steffy stated that under the TPP agreement, foreign countries can use meat in their products without having to identify the source of the meat, or they can use insecticides on their crops without having to disclose it. He stated that any country involved could sue the United States and enter into court proceedings. He commented that the United States would lose hundreds of thousands of manufacturing jobs. Konopa advised Steffy that Council would review the proposal and determine whether they'd like this item to be brought back to a future Council meeting for further consideration.

OBSTRUCTED BIKE LANES

Albany Bicycle and Pedestrian Advisory Commission (ABPAC) member Jim Lawrence reviewed the information provided in his letter to the Council and presented a slide show (see agenda file). Lawrence stated that a significant problem with having bike lanes in the streets is that many residents have decided that it is a good location to store trash and recycling cans and many other items. He pointed out that it is against the law to obstruct the right of way; but placing containers in bike lanes has become routine. Lawrence feels the hazard can be eliminated through a combination of education and enforcement. He is requesting that Council adopt an ordinance making it an offense to obstruct bike lanes other than in an emergency. He would propose enforcement through citations, which he feels is all that's needed to encourage citizens to cooperate. He sees this as a joint effort among Albany Police Department (APD), Republic Services, and ABPAC.

Discussion followed. Councilor Ray Kopczynski questioned where the cans should be placed in neighborhoods with curbs and gutters so as not to obstruct the sidewalks, if not in the bike lane. Lawrence suggested use of the driveway apron, placing one can on each side, or placing the cans in the planter strip between the sidewalk and street for streets that have them. He added that if there is no place to accommodate the cans, ABPAC could help to facilitate a program through which a safe location to place the cans would be constructed.

Konopa pointed out that even if the residents take great care in where they place their cans, they have no control over where the can is placed by Republic Services once it's emptied. Lawrence stated that Republic Services would be a partner in this effort, so they would address that concern. He reiterated that this is a serious hazard to bicyclists, not just an inconvenience. When cans are placed in the bike lane, it forces bicyclists to enter the roadway and dodge traffic.

Councilor Rich Kellum echoed Konopa's concern that residents have no control over the placement of cans once they're emptied. He feels it's inappropriate to tell a homeowner that the section of street in front of their home cannot be used for trash pickup, just one day per week. He questioned who would cover the cost for construction of a new location for placing the cans, pointing out that the residents have already paid for the sidewalk and the streets. He feels strongly that this is something for neighbors and neighborhoods to discuss, and not something Council should be addressing through legislative action.

Councilors Floyd Collins and Bessie Johnson agreed with Kellum, that ABPAC could pursue the education piece of this request, but they have no desire for the City to start citing people for improper placement of trash cans.

Johnson asked Lawrence whether he had any statistics related to this issue, or knowledge of specific accidents, something to show that this is more than just a concern at this point. He was not personally aware of any accidents but he recognizes it's an issue. Collins said he is personally aware of an accident in which the right-of-way was obstructed and a bicyclist was injured. The incident ended up being settled by the homeowner's insurance.

ABPAC member Tim McCloud, Albany, explained that the Commission is also concerned about wheelchair access being restricted with the placement of trash cans on sidewalks. He stated that residents place their cans in the bike lanes and on sidewalks not because they don't know any better but, possibly, because they're not considering the

traffic passing by their homes on trash day. He stated that the Commission members, as a group, have experienced these issues, which also includes leaf pick up and being forced into the traffic lane at night. It is usually for a short period but there are occasions where it's for an extended timeframe.

Discussion followed. Collins pointed out that there is already a law in place that prohibits blocking the right-of-way for more than 24 hours, which should address the issue of cans being left out for an extended period. Transportation Systems Analyst Ron Irish confirmed that there are City code restrictions against blocking sidewalks and the authority already exists to cite people if they leave their trash cans out seven days per week. He researched how other cities address this issue, but couldn't find any written policies related to trash can placement.

Discussion followed and City Attorney Jim Delapoer voiced his concern about attempting to regulate this issue. He stated that if the City begins to tell people they have to place cans on sidewalks, for example, they're going to have an Americans with Disabilities Act (ADA) violation. He feels it is better to leave the responsibility to the homeowner with the understanding that if they leave their cans in an unsafe place and someone gets hurt, the homeowner could be liable. He stated that it would be unrealistic to try to address all circumstances in a single ordinance, and the City would invariably create hazards in which, for many cases, the common sense of the homeowner would avoid.

Management Assistant/Public Information Officer Marilyn Smith spoke in the absence of Police Chief Mario Lattanzio. Lattanzio has said that he is okay with the idea of a work group to discuss the issue and possible solutions. He would prefer that discussions take place before any code changes are made, as he is concerned with the details; specifically, who would be cited if a trash can is in an inappropriate location. Smith explained that it is extremely common for her to receive complaints from neighbors about each other's trash cans being left out. She stated that it is definitely an issue.

Collins and Konopa would advocate a conversation with Republic Services to discuss the education piece of this proposal. Collins pointed out that there is nothing preventing Republic Services from doing that now; they don't need Council approval for that. Council agreed that they would not be taking any action on this item.

STORMWATER UTILITY DISCUSSION

Utility Services Manager Mark Yeager stated that staff is working through the process to determine revenue requirements for the stormwater system. The ordinance to create the stormwater utility and stormwater fund will be brought to the April 13, 2016, City Council meeting for a second reading and adoption. Yeager explained that while the permit requirement through the state is a big driver, the city has many operations and maintenance needs with the stormwater system as well. The goal for this meeting is to identify revenue requirements and receive Council feedback, allowing staff to take the next step of determining how much the service will cost for customers.

Yeager gave a PowerPoint presentation (see agenda file).

Staff has estimated some program costs based on the receipt of a reasonable permit. Since the permit is not finalized, there will be some changes to those costs once the permit is received. Yeager explained that operations and maintenance for stormwater has been neglected for many years. They are including some funds for a perpetual life replacement program. The goal would be to address, initially, the portions of the stormwater system that are in the worst condition in order to avoid catastrophic failure. The program will be ramped up slowly from there. Staff is not assuming in the cost estimates any expenses related to capacity within the stormwater system. Yeager stated that staff recognizes Council's concerns about a new fee for service. Staff has tried to develop a realistic approach to how the program could be implemented and the City will be in compliance with the permit. He added that the City has over \$100 million worth of stormwater assets that are simply not being maintained.

Kopczynski asked whether the money that is currently being spent on stormwater activities would move into the new stormwater program. Yeager responded that everything would be up to Council in terms of how the process is rolled out. The idea might be that Council would, at a minimum, replace the funding that is currently being taken from the street fund, for example, and that money would then be able to accomplish new street projects. Money currently being taken from the sewer fund could be used to delay rate increases. There are existing costs that have previously been paid by other funds and other work areas. Yeager said that it would seem logical that the work being done now, we would continue doing. As far as how to handle the funds that are freed up as part of that process, that would be a Council decision.

Yeager continued with his presentation. He noted that staff should be ready to come back with a preliminary cost figure at a Council work session in May or June. Kopczynski commented that because this is all new, it is very subjective. They don't have any way to look at the information presented and know whether it's accurate; therefore, he has no way of saying whether he agrees with Yeager's figures. Collins stated that while he doesn't know if the figures are correct, he would comment on the process. He feels the process is correct. Staff and Council are defining what is currently being spent on stormwater activities and defining the minimum level of service needed. Collins feels that staff needs to go with the figures being presented in order to determine the cost for customers and then Council can review things from there. Kellum agrees with the process to start with the minimum, determine cost to citizens, and then ramp up from there, once they can determine whether the funding meets the need.

Councilor Dick Olsen asked whether funds would still be available for the rain drain disconnect program. Yeager stated that the program for disconnecting rain drains from the sanitary sewer system is funded by the Sewer Fund and is a policy question that could be looked at later on. The assumption by staff is that the disconnect program would stay in the Sewer Fund because it affects the sewer system. Olsen stated that he would like to see the program continue, as it is a great program. Collins noted that this is something for Council to decide when the budget is presented. He added that every drop that can be kept out of the sanitary sewer system is avoiding the potential of having to build a larger treatment facility.

Public Works Engineering and Community Development Director Jeff Blaine pointed out that based on discussions that took place with Council earlier in the year, the program developed for rain drain disconnections was temporarily suspended. That being said, there is still work to be done with over 200 homes as part of standard sewer replacement projects. He added that if someone comes in and wants assistance with disconnecting their rain drains from the sewer system, staff is going to look for ways to help. While there's not a defined program for this, they'll still work to address the issue.

STRATEGIC PLAN REVIEW

City Manager Wes Hare said that the Strategic Plan is reviewed as part of the budget process and staff attempts to align this document with the goals of the City Council on an annual basis. He explained that with this year's version, there have been a few formatting changes.

Assistant City Manager/Chief Information Officer Jorge Salinas reviewed the formatting changes to the Strategic Plan. The numbering system has changed to avoid the objectives needing to be renumbered throughout the entire document. Instead, with the new numbering system, the document will require adjustments to a particular section only. The change also makes it easier to follow which section is being discussed.

Collins asked whether staff maintains a list of pending items for Council to review. He mentioned skinny street standards and portable System Development Charges (SDCs) as items that he would like to ensure are on that list, noting that it has been at least two years since they last discussed those items. He would like to see the pending items list incorporated into a schedule so that Council can be checking items off each year.

Collins identified a number of additions and changes that he would like to see made to the document:

- GN-4 – add the numerical figure that is represented by the percentage in the table.
- GN-5 – add this to the list of pending items; needs to be reviewed.
- Police and Fire sections – update language to reflect current status of new Public Safety facilities.
- SC-9 – feels Council needs to have a thorough discussion related to Fire training facility needs.
- Economic Development section – partners of the City should be named, such as Albany-Millersburg Economic Development Corporation (AMEDC), Linn Benton Community College (LBCC), and Council of Governments (COG); and it should be noted how the City interfaces with our partners, reiterating the City's support of those organizations.
- All departments – where possible, define service level objectives within individual goals, for benchmarking purposes.
- Effective Government section – add succession planning for management staff, i.e. the replacement of the City Manager and Finance Director for this Plan year.
- EG-5 – clarify current success rate, not just target of 10%.
- Public Works Accomplishments – acknowledge the accomplishments of staff in reaching an agreement with City of Lebanon related to the Albany-Lebanon Canal.

Kopczynski asked for clarification on the following items:

- GN-8 and GN-9 – the reduction across the board is due to an increase in population, not a decrease in acreage, which Parks and Recreation Director Ed Hodney confirmed is correct.
- Can Community Development Block Grant (CDBG) funding be used to assist with Parks restoration and maintenance? Konopa explained that CDBG funding is reserved for targeted poverty areas; but if the restoration and maintenance activities fell within one of those targeted areas, then it might be possible.
- SC-5 – questioned why the Police Department was able to achieve an average response time of 3 minutes, 12 seconds this year, yet the annual goal going forward jumps up to 4 minutes, 15 seconds. Salinas explained that this is just a goal, which they will most likely exceed.
- SC-14 – the dramatic decrease from 13.2% down to 5% is due to lost staff positions. Fire Chief Bradner explained that they are in the process of filling that role but it will take time to get the new person trained. Bradner noted that Directors were asked to provide goals that are reflective of current conditions.

Konopa requested the following additions:

- GN-4 – add wording to reflect the City’s option to seek other sources of funding for the street system, such as a gas tax. She noted that Portland and Bend have already secured a local gas tax and explained that the COG has discussed a regional gas tax option with the cities of Corvallis and Philomath. She added that having the wording in the Strategic Plan doesn’t bind the Council to seeking a tax, but it should be included in the Plan should the opportunity present itself, which she believes could be later this year.
- Safe City section – add new objective to address life and safety issues that the city is facing with some transition and rental housing.

Salinas also identified a few changes that have been made since the draft document was posted:

- GN-1 – rewrite section to address cases that are open versus cases that are closed and begin tracking that information within the Strategic Plan document.
- GN-7 – clarification that “planning meetings” are not those of the Planning Department, but meetings at which planning is being done.
- GN-10 – correct the figure in the table to 10%.
- SC-3 – add a target completion date of December 2017.
- SC-10 – add a target of 72 hours per week.
- SC-11 – add a target of \$750,000 with an expected actual goal of Fiscal Year (FY)2017 of \$750,000. Funds will be coming from the sale of the armory and Police department buildings.
- SC-14 – the target of $\geq 15\%$ was not met for FY2015 because of staffing levels.
- HE-4 – add “ \geq ” to the target value of \$24,250.
- HE-6 – add a target value of ≥ 303 .
- EG-1 – update target value from $\geq 58\%$ to $\geq 55\%$.
- EG-3 – update target value from 0.52 to 0.60.
- EG-10 – update target from November 2013 to November 2017.

All of the changes requested by Council, along with the ones mentioned by Salinas, will be implemented and brought back to the April 27, 2016, City Council meeting for adoption.

BUSINESS FROM THE COUNCIL

- *Letter regarding Amtrak passenger rail performance – Mayor Konopa.*

Konopa handed out a letter addressed to the Surface Transportation Board in which the Mayors of Eugene, Portland, and Albany are requesting continued Federal funding of the Amtrak Cascades passenger rail service (see agenda file). Konopa explained that a policy being proposed would reduce Amtrak trips through Albany and the letter urges the Board not to move forward with the policy or a decrease in funding. Konopa stated that the letter doesn’t bind Council to anything financially, but it certainly would have a financial impact if Albany lost Amtrak. Council authorized the use of the Albany City logo on the letter and directed Konopa to sign on behalf of the City Council.

COUNCILOR COMMENTS

Johnson advised Council that Jeff Christman has resigned from the Transient Lodging Tax (TLT) Ad Hoc Advisory Committee. The individual she had considered to appoint has declined the appointment because of scheduling conflicts. Collins suggested another individual for appointment and Johnson is going to contact them.

Coburn and Johnson will not be at the Wednesday, April 13, 2016, City Council meeting.

Kellum advised the Council that he was contacted last week by Ed Wright, owner of Original Breakfast. Wright had a food cart tenant at the Original Breakfast property who Wright has since evicted because of an incident with the Oregon Department of Transportation (ODOT). ODOT cited the food cart operator for dumping grease in the street, rather than using the grease separator available to him, just 100 feet away. Kellum suggested that this be a topic of discussion in the Planning Department’s review of food carts, perhaps having a requirement that a food separator be installed on the food cart, or available at the property where it’s parked. Blaine confirmed that staff is reviewing this, along with many other details of concern. The food cart discussion is scheduled for a Council work session later this year.

Konopa noted that an article appearing in the *Democrat-Herald* recently related to food carts read as though her focus is on the competition with brick and mortar establishments and that she is against food carts, when really she was just relaying the concerns that Council has been hearing.

CITY MANAGER REPORT

Hare reported that International City Manager’s Association (ICMA) has asked Albany, once again, to host a couple of State Department fellows. One fellow will be coming from the Philippines and one from Malaysia in May 2016.

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City Attorney Sean Kidd advised the Council that the League of Oregon Cities is developing recommended guidelines for Time, Place, and Manner Restrictions for marijuana, based on decisions being made at the state level in terms of licensing. Additionally, he has received word that if the voters approve recreational marijuana in November 2016, the State of Oregon is not going to begin licensing until the end of 2016. Time, Place, and Manner Restrictions for marijuana are scheduled for discussion at a work session later this year.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:02 p.m.

Respectfully submitted,

Reviewed by,

Holly Roten
Administrative Assistant I

Wes Hare
City Manager