

CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Council Chambers  
Monday, May 23, 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, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors Absent: Floyd Collins (excused)

BUSINESS FROM THE PUBLIC

None.

GOVERNMENT TECHNOLOGY AWARD

Rebecca Friedman, *Government Technology* magazine, said that for the past 15 years, the magazine has awarded its “Top 25 Doers, Dreamers & Drivers” award to people within the public sector who are innovators in information technology. This year, based efforts to expand citizen services, one of the awardees selected is Assistant City Manager/Chief Information Officer Jorge Salinas. Other award winners include President Obama and his technology team. When an offer was made to present this award to Salinas tomorrow at the Oregon Digital Government Summit, he made it clear that this was absolutely a team effort and he asked that the award be presented at this meeting.

Salinas asked the Information Technology (IT) team members to come forward, and he accepted the award on behalf of them all. There was a round of applause and Konopa expressed appreciation to Salinas and the IT team.

SPRING HILL DRIVE TRAFFIC-CALMING OPTIONS

Public Works Engineering & Community Development Director Jeff Blaine noted that during the North Albany Road project, there was a temporary roundabout at Quarry Road and Springhill Drive, and that when it came out at the end of construction, Council requested that Benton County staff look at other options for traffic calming on Springhill Drive.

Laurie Starha, Benton County Public Works Engineering/Survey Program Manager, distributed and reviewed a report regarding Speeds on Springhill Drive (see agenda file). She explained that in January and February of this year, Benton County performed a detailed speed study along the corridor of Springhill Drive from Highway 20 to just past the city limits. In summary, the data showed an 85<sup>th</sup> percentile speed of 50 mph for drivers coming in to town at the transition to a 40 mph limit, and then slowing to about 44 mph by the time they reach Quarry Road. The goal was to look at options to encourage drivers to reduce their speed closer to the posted speed limit. The most effective option would be to add speed feedback reader signs by Springhill Golf Course for traffic coming into town on Springhill Drive; the cost of this option, about \$5,500, is not budgeted but Benton County would be open to partnering with the City of Albany on that option. The second option would be to add rumble strips across the roadway where the speed change occurs; however, it would be important to check with the golf course first because of noise concerns. The third option would be to add transverse speed bars across the outer lanes, which provides the impression of narrowing and typically results in reduced speeds. In addition, it was noted that the 40 mph postings are widely spaced in both directions on Springhill Drive and that additional signs could be posted along with any other options that are decided upon.

Councilor Ray Kopczynski said an option included in the report but not mentioned during the presentation is Longitudinal Channelizers. Starha said those posts on the center line were initially considered but there were concerns that they would divert drivers closer to the shoulder where there are walkers, joggers, and bicyclists.

Councilor Rich Kellum asked how far noise from rumble strips typically travels. Starha said she was unsure since rumble strips are used in only a few rural locations in the County. They can be quite loud, especially since there are trucks using Springhill Drive, and it would not be advisable to install them near homes.

Konopa commented that rumble strips put in with the mini-roundabout were not received favorably by residents who could hear the vibrating in their homes. She said people travel very fast on Springhill Drive and she feels that something needs to be done to help with that situation.

Councilor Bill Coburn said he has seen solar-powered speed feedback signs that are very effective. He understands they were found to be expensive but that is a relative term, particularly if there could be shared cost with City and County. Starha said battery-powered speed feedback signs are less expensive than solar but they involve maintenance in changing out the batteries. The County could explore options of hooking up to electricity or using solar-powered signs.

Blaine said that staff would like to start with signage improvements and see if that addresses the problem, with the potential to consider additional measures in the future if needed. He noted that Council has expressed concern about log trucks on Springhill Drive and discussed a potential detour, and Benton County staff is supportive of that idea if Council wants to move forward. The challenge is that Hickory was not constructed to withstand that amount of truck traffic and a detour there would involve an expense of \$300,000 to \$400,000. Staff's recommendation is that they work with Benton County to add warning signs for tipping at Springhill Drive and Highway 20 and come back to Council to talk about options for a detour at some point in the future. Council agreed with the staff recommendations.

#### CITY MANAGER EXECUTIVE SEARCH FIRM UPDATE

David Shaw said a Request for Proposals (RFP) was put out in March for a City Manager search and a Finance Director search. Nine responses were received for the City Manager search and 10 for the Finance Director search. Staff hasn't yet reviewed the Finance Director search responses. A review was done of the City Manager search responses based on predetermined criteria. The responses were narrowed down to three and questionnaires were sent to references for each of the finalists. Based on those responses, staff recommends that the City Manager search be awarded to CPS HR Consulting out of Sacramento. Most of the firms said the search would take about sixteen weeks and most were within \$22,000 and \$25,000 on price.

Konopa asked if the City Council would be able to interview the finalists. Shaw stated that if Council chooses, staff would notify all three that the City Council wants to interview them.

Konopa asked if a proposal was submitted by Bob Murray & Associates, the firm that did the last City Manager search. Shaw said that firm did submit a proposal but it did not include all of the information requested.

Kopczynski said he is comfortable having staff select the firm. Coburn agreed.

Kellum asked what criteria was used to evaluate the proposals. Shaw said the criteria included 25 points for project approach and understanding, 25 points for qualifications and experience of the firm and the representative that would be assigned to work with Albany, 20 points for project schedule and availability, 20 points for cost of service, and 10 points for references.

Konopa said she would like Council to see how each of the proposals scored before moving forward. Councilor Bessie Johnson agreed.

Councilor Dick Olsen asked if any of the proposals were from firms based in Oregon. Shaw said all of the firms were headquartered in other states but most have presence in Oregon. City Manager Wes Hare added that firms will often hire a representative to work in the region. Hare advised that he felt it would be inappropriate for him to influence this process; therefore, it was entirely handed by Shaw and his staff.

Council directed staff to bring back information on how each proposal scored based on the evaluation criteria.

#### SEWER RATES

Public Works Operations Director Chris Bailey gave a PowerPoint presentation titled "Sewer Rate Discussion May 23, 2016 (see agenda file). She explained that sewer rate revenues go to repay debt, to fund operations and maintenance (O&M) of existing facilities, and to capital investments. A rate increase is needed to meet O&M and debt service requirements and stay on track to reach the target for funding annual capital improvements of \$2.6 million per year by FY 2017. Predictable moderate increases are better than unpredictable large rate increases. In June 2015, staff estimated that a 6 percent rate increase would be required in July 2016; however, updated revenue and expenditure information indicates that a 3 percent increase will be sufficient. The 3 percent increase would generate about \$500,000. For a resident discharging 6 units of sewage, a 3 percent increase would be about \$1.59 per month; a resident discharging 8 units of sewage would pay about \$1.75 more per month. A 6 percent sewer rate increase would change those increases to more than \$3.00 per month. The target of \$2.6 million in capital funding per year by 2017 will allow the City to address the worst pipes in the collection system

over the next 10 years. The target does not address capacity needs in the collection system or potential capital needs to address solids at the Water Reclamation Facility.

Bailey said staff has been able to develop an efficient and effective Asset Management Program through which the number of emergency sewer main repairs has dropped significantly, and additional cleaning points have been installed. There has been a change to a holistic approach to pipe replacement that includes the sewer main, customer laterals, and manholes, resulting in a segment that is more water tight, reduces infill and infiltration, improves the function of the pipe system, and lowers operating costs. The program creates a list of prioritized pipes for repair or replacement, which has resulted in efficient use of limited perpetual life replacement funds. Reduced emergency projects create a firm foundation to plan major capital projects, including the Cox Creek Interceptor capacity project. She showed examples of cured-in-place pipe projects, pipe rehabilitation and repair projects, a graph of the Sewer Pipe Rehabilitation Program progress, five-year forecasting variables, five-year rate projections, and 2016-17 Average Monthly Utility Bills in Oregon Cities.

In response to questions from Council, Bailey said this budget doesn't include any changes related to stormwater. Regarding the average monthly utility bills information, she doesn't know the particular needs of any community; however, communities who haven't been continuously investing in their sewer system will likely see a jump at some point. Hare agreed and provided examples of where that has occurred.

Coburn suggested that staff be directed to bring back a resolution with a 3 percent increase for public comment and adoption. There was general agreement.

Blaine noted that new customers are initially billed based on 8 units of sewer until a winter average can be calculated; however, there are scenarios where it may make sense to lower that to 6 units. These scenarios include new customers who live alone where lower usage can be seen from only a few months of data. He asked if Council was willing to grant the director flexibility to respond to special situations for residential customers and use common sense for evaluating what is being charged to an individual. Following brief discussion, Council agreed that it would be valuable for the director to have that discretion on a case-by-case basis.

A resolution will be brought back to the first Council meeting in June.

#### RECREATIONAL MARIJUANA REGULATIONS

Blaine said the maps and information being presented include elements of what Councilor Floyd Collins requested as far as decision-making metrics and what other Councilors requested as far as maps. It's a sampling of potential regulations intended to set the framework for future discussions. The information being presented is not representative of staff's personal opinion and staff has no desired outcome other than clear, easily implementable code for staff to implement and community members to understand.

Blaine gave a PowerPoint presentation on Time/Place/Manner (TPM) discussion. He said marijuana regulations come through the state, the Albany Municipal Code (AMC), and the Albany Development Code (ADC). There are seven categories of regulated marijuana activities identified by the state. In addition to the three layers of regulation and seven categories, there are an unlimited number of TPM restrictions that could be considered. Today, staff would like to focus the discussion on medical dispensaries and potential recreational sales with the thought that this will help inform future discussions and decisions on the other uses.

Blaine said staff went into this with a few basic assumption: that we want compatibility between state regulations, the AMC, and the ADC; that we want to consider cleaning up the AMC language related to measurement procedures and industrial zone exemptions; and that we want to provide TPM regulations in the AMC rather than the ADC where changes are more difficult. He said staff will present three maps showing where medical dispensaries and recreational sales might be allowed under different scenarios, take input from Council, and bring back additional information. It is anticipated that the discussion will occur over a series of meetings. He noted that the League of Oregon Cities is developing model code that will be available later this month.

City Attorney Jim Delapoer cautioned Council against making decisions based solely on places on the map because that looks a lot like a land use decision. Land use decisions require a certain process that includes setting goals, developing comprehensive plan language, and implementing through the ADC. He encouraged Council to look at restrictions based on something other than spots on the map.

Richardson emphasized that Council will be looking at only three of countless possible scenarios where medical marijuana dispensaries and potential recreational sales of marijuana could occur within the City. Both use types are categorized in the ADC as retail sales and service uses. Council will also be presented with potential TPM restrictions which, depending on the goals, may offer a finer instrument by which to achieve those goals.

Richardson reviewed and discussed three different scenarios as shown on Maps 1, 2 and 3 (see agenda file).

Map 1: This scenario shows where the uses would be allowed if only state regulations and basic ADC regulations were applied. State regulations state that the uses cannot be within 1,000 feet of a public school. This scenario does not include current AMC restrictions.

Map 2: This scenario shows where the uses would be allowed under state regulations, ADC regulations, and the existing AMC ordinance. It includes areas that are at least 1,000 feet from a public school, where retail sales and services are permitted by the ADC, and where parcels are 300 feet from residential and mixed use zones with an exception for Industrial Park and Light Industrial zones. Dispensaries must also be located 1,000 feet apart from each other. Retail sales and services are not permitted in the Heavy Industrial zone under the ADC.

Map 3: This scenario shows where the uses would be allowed under the aforementioned state regulations, ADC regulations, and AMC restrictions but removes the exception for Industrial Park and Light Industrial zones. This scenario also changes the way distances are measured so it is property line to property line rather than property line to zone boundary. City Attorney Sean Kidd noted that under this scenario, most of the medical dispensaries currently in operation would not be allowed to convert to recreational sales, although the existing medical dispensary use would be grandfathered in.

Richardson clarified that it was challenging to measure distances from property line to zone boundaries; therefore, Map 2 provides a fair representation, but it is not precise. He said the goal is to demonstrate that as layers of regulation are applied and exemptions are removed, the number of locations where someone could locate a dispensary or a recreational sales business decreases. It was noted that the scenarios include properties that are already developed, as well as parcels that are under single ownership and may not be available for dividing into multiple uses.

Coburn said he doesn't think Map 1 is a realistic scenario given that it doesn't include AMC regulations. He said any business would be required to comply with the AMC, regardless of what that business is. Richardson clarified that Map 1 is based on the hypothetical situation that Council would repeal the ordinance related to marijuana dispensaries; the remainder of the AMC would continue to apply.

Hare noted that the AMC is generally silent on where retail sales can occur. He said some Council members have stated a preference for using the same criteria for marijuana facilities that are used for liquor stores, for example, and Map 1 gives an idea of what that would look like.

Discussion followed, and staff provided clarifying information about what would be allowed based on each of the scenarios presented. Delapoe referenced his earlier comments and suggested that decisions should be made on values that Council wants to see observed, as opposed to places on the map.

Kellum clarified that his questions have never been about the part of town; his questions have always been about how far away the uses are from kids, and that is still what he is concerned about.

Richardson reviewed examples of TPM regulations that could be considered. Related to time, consideration could be given to restricting operating hours. Related to place, consideration could be given to proximity to another zone; proximity to another use; proximity to a certain street type; allowing only in a permanent building; or not allowing as a home business. Related to manner, consideration could be given to not allowing security bars on windows/doors; restricting outdoor storage and disposal; regulating light, noise, odor, and visual impacts; requiring activity to be inside a building; restricting onsite consumption; and restricting the presence of minors. He emphasized that these are just examples and acknowledged that Council might have other ideas. Delapoe added that the TPM restrictions must leave reasonable opportunity and that staff can better provide specific options if Council clarifies what it is that they want to protect.

Council requested that all three maps be provided digitally with layers that can be added and removed, and that additional information be brought back to a future meeting.

#### DISCUSSION OF REPEAL OF ORDINANCE NO. 5869 (ESTABLISHING STORMWATER UTILITY)

Delapoe explained that staff initially recommended the adoption of Ordinance 5869 to create a framework for establishing a stormwater utility and separate out the more problematic issues related to cost. However, a referendum petition was subsequently filed with the expressed concern about accepting a new utility without knowing the cost, and this has resulted in a situation where staff is within the parameters of ORS 260.432 which restricts any political activity by public employees. Under the framework of the Secretary of State's analysis of the ORS, with the pending measure, any information about rates presented or discussed by staff could open them to a charge of advocacy. Repealing the ordinance would address the concern that Council is talking about a framework for funding stormwater through user fees without talking about the rates that would be charged, and would eliminate the concern of staff that they could face an advocacy challenge if they provide technical information.

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Following brief discussion, Council directed that staff bring back an ordinance to repeal Ordinance 5869 for consideration at the next regular meeting.

**BUSINESS FROM THE COUNCIL**

None.

**CITY MANAGER REPORT**

None.

**ADJOURNMENT**

There being no other business, the meeting was adjourned at 6:10 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Stewart Taylor  
Finance Director