



NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
333 Broadalbin Street SW
Monday, July 11, 2016
4:00 p.m.

AGENDA

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

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.

- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 p.m. REQUEST FOR LICENSE TO OCCUPY PUBLIC RIGHT-OF-WAY – Staci Belcastro. [Pages 2-8]
Action Requested: Information, discussion, and decision.
- 4:20 p.m. BRANDIS PROPERTY UPDATE – Kate Porsche. [Pages 9-11]
Action Requested: Information, discussion, and direction.
- 4:40 p.m. LOCAL GAS TAX DISCUSSION – Chris Bailey. [Pages 12-14]
Action Requested: Information, discussion, and direction.
- 5:10 p.m. MARIJUANA TIME/PLACE/MANNER REGULATIONS – Bob Richardson. [Page 15]
Action Requested: Information, discussion, and direction.
- 6:00 p.m. BUSINESS FROM THE COUNCIL
- 6:10 p.m. CITY MANAGER REPORT
- 6:15 p.m. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Public Works Director *JB*

FROM: Staci Belcastro, P.E., Assistant Public Works Director/City Engineer *SSB*
Gordon Steffensmeier, P.E., P.L.S., Civil Engineer III *GS*

DATE: July 6, 2016, for July 11, 2016, Council Work Session

SUBJECT: License to Occupy Public Right-of-Way, Sidewalk Tables on 220 2nd Avenue SW

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods
• Effective Government

Action Requested:

Staff recommends Council review and provide direction on the encroachment request made by the general manager of The Still restaurant, at 220 2nd Avenue SW.

Discussion:

Per Albany Municipal Code (AMC) Chapter 14.04 on encroachments (Attachment 1), the Albany City Council has the authority to issue licenses to occupy public property as long as certain conditions are met.

As shown on the attached Vicinity Map (Attachment 2), the request is to place tables and chairs and to serve customers on the public sidewalk on the south side of 2nd Avenue SW, in front of The Still.

A proposed License agreement is attached (Attachment 3).

Budget Impact:

None.

GPS:rk
Attachments

Attachment 1

Chapter 14.04 ENCROACHMENTS

Sections:

- 14.04.010 Conditions of license.
- 14.04.020 Limitations.
- 14.04.030 Notices.
- 14.04.040 Liens.

14.04.010 Conditions of license.

The City Council shall have authority to issue license to occupy public property, including rights-of-way, subject to the following conditions:

- (1) The Council shall find that the occupation of the public property or right-of-way shall not constitute unreasonable obstruction for public use at the time the license is granted;
- (2) A property owner receiving the license shall assume all liability arising from use of the public rights-of-way or public properties;
- (3) All licenses issued under this chapter shall be subject to revocation without cause after 90 days' written notice by the City to the licensee;
- (4) All licenses issued under this chapter may be revoked for failure to comply with the terms of the license, after the City has given the licensee 10 days' notice or revocation. (Ord. 3079 § 1, 1963).

14.04.020 Limitations.

Any license issued under this chapter shall include any terms or conditions deemed to be in the public interest within the following limits:

- (1) No encroachment onto any existing public sidewalk shall exceed five inches;
- (2) In areas where no sidewalks are existing at the time the license shall be granted, the encroachment shall not extend over the established curb line of the street;
- (3) No encroachment into a public alley shall exceed four feet. (Ord. 3079 § 2, 1963).

14.04.030 Notices.

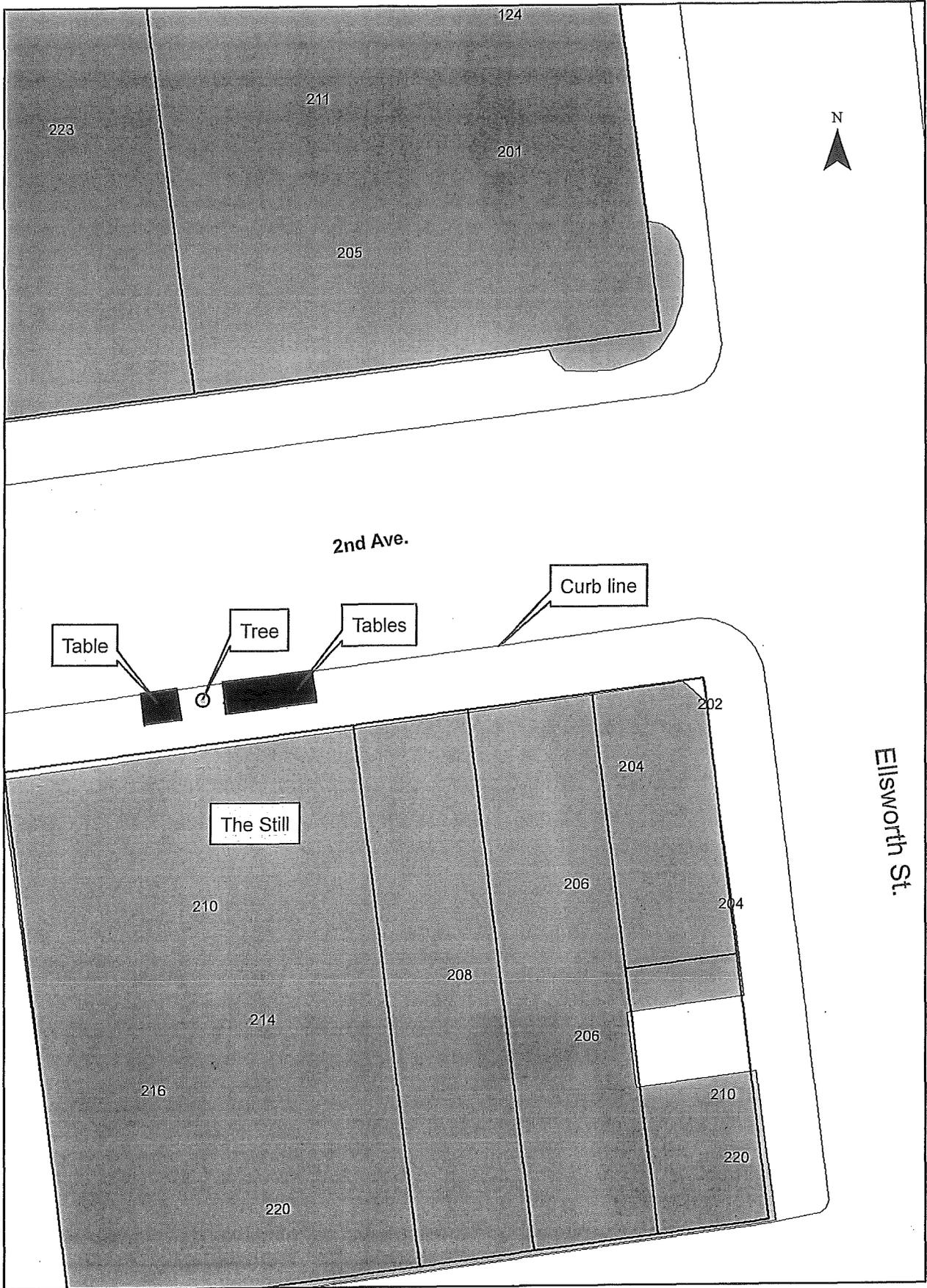
All notices provided to be given in this chapter shall be in writing addressed to the licensee as his/her address appears at the assessor's records of the county in which the property is located. For the purpose of this chapter only, a license issued hereunder shall be to the owner of the property abutting the proposed encroachment upon public way and the license shall be one that runs with the land and the obligations of this chapter and the conditions of license shall attach to the land and succeed to each owner of the land abutting the encroachment. (Ord. 5026 § 1, 1993; Ord. 3079 § 3, 1963).

14.04.040 Liens.

Upon notice to remove an encroaching structure from public rights-of-way or public property, the licensee shall remove the encroachment within 10 days after receipt of notice. In the event the licensee shall fail to remove the encroachment within 10 days after receipt of notice, the City shall have the authority to remove the encroachment and the cost of removal shall become a lien against the real property abutting the encroachment. The lien so created shall be subject to foreclosure pursuant to the foreclosure laws of the State in the same manner as foreclosure of mechanic's liens. (Ord. 3079 § 4, 1963).

ATTACHMENT 2

License to Occupy Vicinity Map



ATTACHMENT 3

LICENSE TO OCCUPY PUBLIC RIGHT OF WAY

ENCROACHMENT PERMIT # E-0144-16

The City of Albany ("Licensor") hereby authorizes The Still a Restaurant Bar ("Licensee") to encroach upon the Licensor's public right-of-way under the terms and specifications set forth herein.

1. Location and Nature of Encroachment: This License shall apply to Licensee and shall allow all reasonable and necessary access for the placement of tables and chairs, and all related accessory and component parts and equipment thereof during business hours, as shown on Exhibit "A" and "B", attached hereto, under the Licensor's public right-of-way, and the buildings and other improvements located thereon, at 220 SW 2nd Avenue in Albany, Linn County, Oregon. A more particular description of the area within the Licensor's public right-of-way that this License encompasses is attached hereto as Exhibit "A" and "B".
2. Conditions of License:
 - a. The Licensee agrees to indemnify and hold harmless the City of Albany, its agents, officers, and employees from all damages, claims, or liability arising from their use of the public right-of-way pursuant to the terms of this license.
 - b. The Licensee agrees to repair and maintain all of Licensee's private improvements within the public right-of-way.
 - c. This License shall be subject to revocation without cause after 90 days written notice by the Licensor as provided by AMC 14.04.010.
 - d. This License may be revoked, at any time, for failure of the Licensee to comply with the terms of this License after 10 days' notice of revocation.
3. Notices. Notices shall be given as provided in AMC 14.04.030.
4. Liens. Licensor shall have the authority to impose a lien upon the property as provided for in AMC 14.04.040.
5. Binding Upon Heirs and Assigns. Unless earlier terminated by either party, the terms of this License shall inure to the benefit of and be binding upon, the parties, their heirs, devisees, successors, and assigns. The terms of an encroaching structure pursuant the terms of AMC 14.04.040 and of this License shall constitute a covenant running with all of the land described in Exhibit "A" and "B" attached hereto.

LICENSEE:

The Still a Restaurant and Bar

John & Nadine Pierce Revocable Living Trust
ETAL Property owners

STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me on this _____ day of _____, 2016, by John & Nadine Pierce Property Owners, as a voluntary act and deed.

NOTARY PUBLIC FOR OREGON
My commission Expires: _____

CITY OF ALBANY:

I, Wes Hare, as City Manager of the City of Albany, Oregon, hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 2016.

City Manager

STATE OF OREGON
County of Linn

This instrument was acknowledged before me this _____ day of _____ 2016, by Wes Hare as City Manager of City of Albany.

NOTARY PUBLIC FOR OREGON
My commission Expires: _____

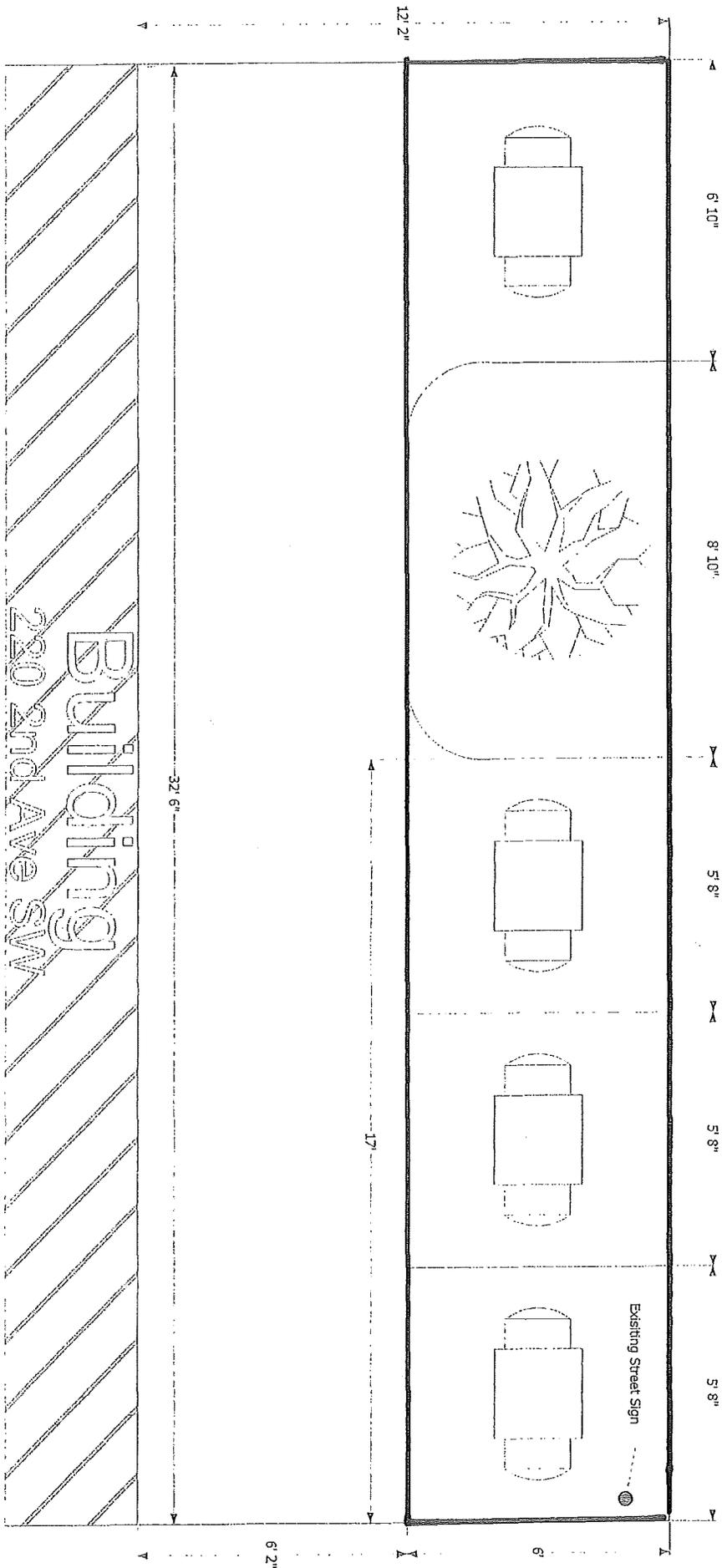
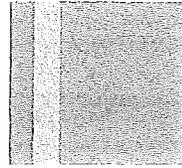


EXHIBIT "A"

The Still
220 SW 2nd Ave
Albany, Or. 97321



June 6, 2016

To the City of Albany,

We (The Still) are requesting an easement for outdoor seating. We would like to have four tables on the sidewalk in front of our building, as many of our customers have expressed a sincere excitement for this possibility. We are asking that during the days when the weather is nice, (generally the middle of May through the middle of October) that we are able to serve food and drinks from 11am until 930pm. We have taken measurements and have found that there is plenty of room for the general public to use the sidewalk while there is seating for our customers outside. Albany does not have very many choices for service outdoors and we believe that our business will profit as well as bringing more foot traffic to the downtown area. We have enclosed all of the measurements and included a CAD rendering of where we would like the tables, and how they will look. Thank you for your consideration and please let us know if any additional information is needed.

Sincerely,

Brandon Licon, General Manager

Cell 541 250 2943

Office 541 704 0581

Brandonlicon1@gmail.com

EXHIBIT "B"





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Kate Porsche, Economic Development and Urban Renewal Director
DATE: July 7, 2016, for the July 11, 2016, City Council Work Session
SUBJECT: Brandis Property Update and Next Steps

RELATES TO STRATEGIC PLAN THEME: ● A Healthy Economy

RELATES TO: ● Goal 1 – Business (land)

Action Requested:

Please review the information in this report and provide direction as to the disposition of the City-owned land.

Discussion:

The City acquired the Brandis land in lieu of assessments that were owed on the parcels for the construction of infrastructure on Timber Ridge. Please see *Attachment A* for the latest breakdown of assessments and balances. The map below outlines the two parcels owned by the City.



In December 2015, staff recommended, and you approved, paying for wetlands delineation for the site. The delineation is now complete and the Oregon Department of State Lands has completed their review and concurrence. (See *Attachment B, Wetland Delineation Map*). Unfortunately, a large portion of tax lot 100 has wetlands present.

While the wetlands work has been underway, we have received a handful of inquires about the property. Those who have expressed interest include two real estate companies, a developer, one farmer, and the school district.

Staff is coming before you to seek input as to your desired direction regarding the property. At this

point, Council has several options: The City could issue an RFP if you wanted to better understand or drive a certain use, the property could be marketed and sold with the required public notice, the property could be leased, or we could simply hold the property.

Budget Impact:

None at this point.

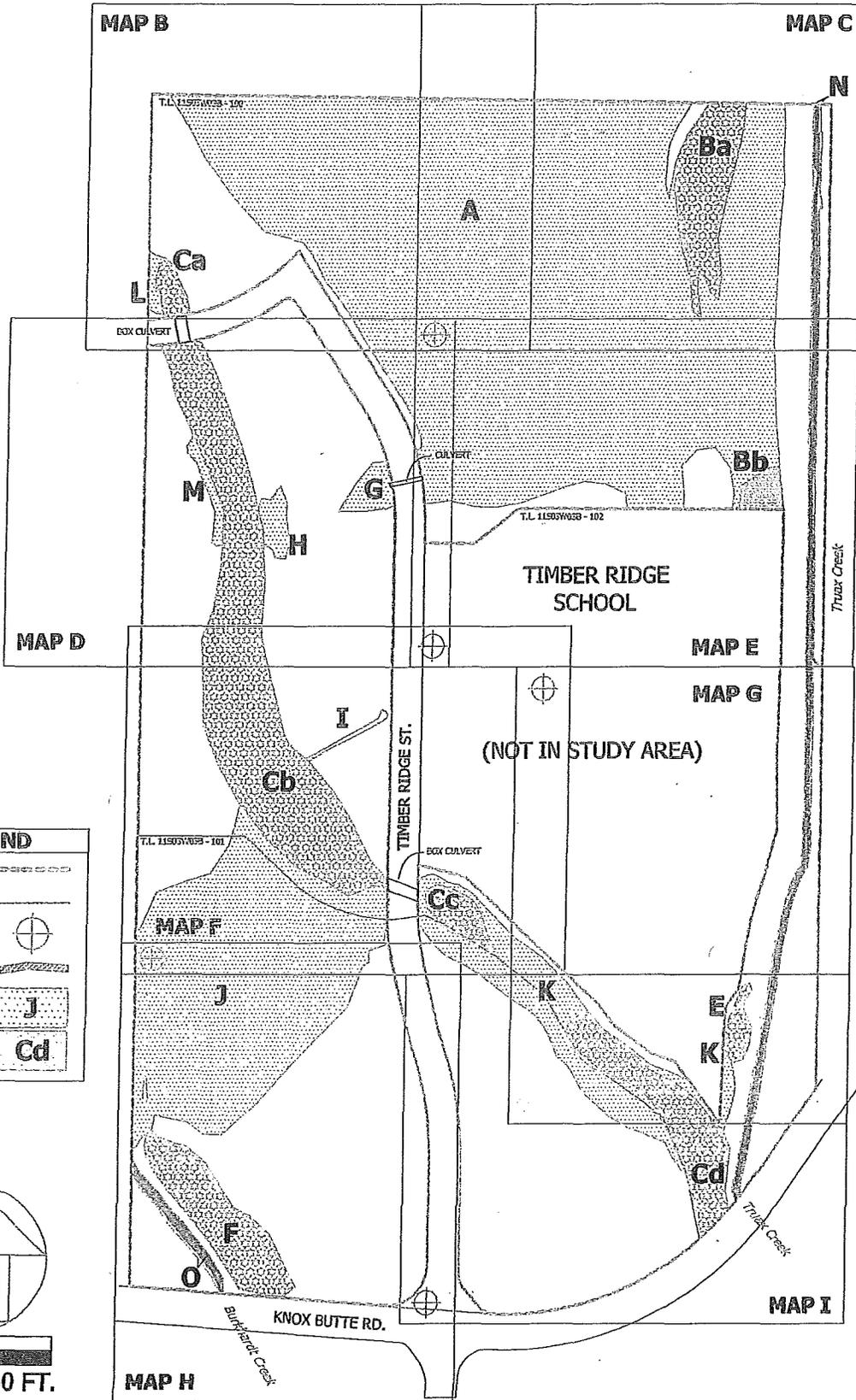
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Attachments 2

St-08-04 Somerset to School - Infrastructure Improvements					
Assessment #	Amount Assessed	Total Interest @ 6.55%	Payoff Balance 04/30/2016	APN	Primary customer
st201010-0001-000	\$1,548,814.83	\$570,328.80	\$2,119,143.63	11S03W03B 00100	CITY OF ALBANY
St-08-06 School to Knox Butte - Infrastructure Improvements					
Assessment #	Amount Assessed	Total Interest @ 6.55%	04/30/2016	APN	Primary customer
st201100-0001-000	\$190,050.16	\$59,172.00	\$249,222.16	11S03W03B 00100	CITY OF ALBANY
st201100-0002-000	\$1,388,187.76	\$432,211.32	\$1,820,399.08	11S03W03B 00101	CITY OF ALBANY
Totals (@.54% interest)	\$3,127,052.75	\$1,061,712.12	\$4,188,764.87		

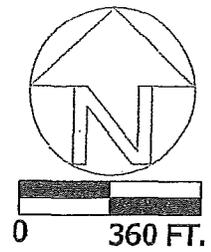
DRAFT

FIGURE 6A. WETLAND INDEX MAP
TIMBER RIDGE PROPERTY
 Section 03 T11S R03W W.M.
 City of Albany, Linn County, Oregon

Base topography, property boundaries, wetland boundaries and the sample plot locations were surveyed using a total station by K&D Engineering, Inc., an Oregon registered professional land surveyor, using wire flags set by the Acker Group, LLC. Estimated map accuracy both horizontally and vertically is $\pm 0.10'$.



LEGEND	
Study Area	
Tax Lot Ends	
Match Point	
Stream	
PEM Wetland	
PFO Wetland	





TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Jeff Blaine, P.E., Public Works Engineering and Community Development Director
Chris Bailey, Public Works Operations Director

JB

DATE: July 7, 2016, for the July 11, 2016, Council Work Session

SUBJECT: Local Gas Tax

RELATES TO STRATEGIC PLAN THEME: ● A Safe City
● Great Neighborhoods

Action Requested:

Staff recommends Council review the enclosed information and provides direction regarding a local gas tax ballot measure for the November 8, 2016, election.

Discussion:

At the June 22, 2016, City Council meeting, the Mayor suggested that Council consider whether or not to pursue a ballot measure establishing a local gas tax for the November election. Staff was directed to bring local gas tax information back to a Council work session to help facilitate further discussion. In order to meet the August 19 deadline to file a ballot title for the November election, Council would need to pass a resolution by the August 10, 2016, City Council meeting.

History of Local Street Funding

Having the needs of the street system exceed the financial resources available to address those needs is not a new problem for the City of Albany. Albany is not alone in this problem; the entire state system is declining. Over the years Albany has attempted to bridge the funding gap through several local street funding attempts.

In 1982 and 1991, Albany tried to create a local gasoline tax. Those attempts failed. In 1995 Albany tried to pass a \$10.8 million General Obligation bond. That attempt also failed. In 1996 a Mayor's Task Force was created to investigate the condition of the street system and to recommend possible solutions to the problems identified. The Task Force forwarded two primary recommendations to Council for further consideration.

The first recommendation was that a series of General Obligation bonds should be sold to repair specific streets. The second recommendation was the formulation of a Street System Utility to bridge the funding gap. A \$10 million street bond was successfully passed in 1998 but a second bond was defeated by the voters in 2000. A Street System Utility has not been pursued out of concern of overburdening rate payers.

Transportation System Development Charges (SDCs) were adopted in 1997. Franchise fees on the Water and Sewer Utilities that were dedicated to the street system were implemented in 1999; however, the revenues from the previously dedicated franchise utilities were moved to the General Fund. In 2011 the General Fund stopped contributing toward street light costs and street funds have been used in its place.

Current Street Funding & Condition

Most street maintenance activities and capital projects are currently funded through a mix of state shared gas taxes, In-Lieu of Franchise Fees (ILFF's) from sewer and water, SDC's, and Surface Transportation Program (STP) funds from the State through the Albany Area Metropolitan Planning Organization (AAMPO). The funds received through these revenue sources are not enough to adequately address all of the needs within the street system. Funds that are available for capital

projects and major maintenance activities are typically directed to arterial and collector streets. Residential streets receive the least attention, although some targeted projects around high use/need areas, such as schools, are completed. The lack of resources dedicated to residential streets is evident in staff's condition assessment summary below. Without additional resources to adequately maintain street infrastructure, streets in each of the classifications will degrade over time.

Pavement Condition in Miles

Street Classification	Total (Lineal)	Very Good	Good	Poor	Very Poor
Arterial	26.09	14.75	11.34	0.00	0.00
Collector	16.16	7.10	7.27	1.79*	0.00
Residential/Local	153.62	69.88	29.93	42.11	11.70
Total	195.87	91.73	48.54	43.90	11.70

Pavement Condition by Percent

Street Classification	Very Good	Good	Poor	Very Poor
Arterial	57%	43%	0%	0%
Collector	44%	45%	11%*	0%
Residential/Local	45%	19%	27%	8%

*Over one mile of this is Hill Street which is scheduled for reconstruction within the five-year window of the CIP.

Local Gas Tax Revenue Estimate

The amount of revenue Albany could receive through a local gas tax is dependent on the amount of gas sold in Albany and the voter-approved tax rate. Accurate information regarding the amount of gas sold by community is not readily available. For estimating purposes, ODOT staff suggests relying on local gas tax data from the City of Springfield, which is a similarly sized community with a similar geographic relationship to Interstate 5. Based on that comparison, ODOT estimates that Albany could potentially receive around \$250,000 per penny tax.

Local gas tax rates vary by community. At least 20 cities in Oregon have gas taxes that range from \$0.01 to \$0.05 per gallon. The most common rate is \$0.03 per gallon. Portland voters recently approved Oregon's highest local gas tax at \$0.10 per gallon (expires in four years). If Albany were to pass a \$0.03 per gallon gas tax, it could potentially generate around \$750,000 per year in additional revenue for the street system.

Use of Local Gas Tax Revenue

How local gas tax revenues are used is largely a policy decision. The only requirement is that revenues must be used exclusively for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets and roadside rest areas. Council could choose to direct funds towards a specific street classification, the worst streets regardless of classification, the location that provides the best long-term return on investment, or any other criteria that Council identifies.

The table below provides a general estimate of the typical amount of work that could be completed with \$750,000 of gas tax revenue for three different treatment options. Standalone overlays are generally a preservation technique and only appropriate for streets in very good condition. Streets

in lesser condition will require some level of rehabilitation or full reconstruction. Rehabilitation can include varying degrees of spot repairs or alternative full width rehabilitation techniques such as full depth reclamation.

Pavement Treatment in Miles

<i>Street Classification</i>	<i>2-inch Overlay</i>	<i>Rehabilitation</i>	<i>Reconstruction</i>
Arterial	0.59	0.15	0.14
Collector	0.68	0.21	0.19
Residential/Local	1.09	0.47	0.24

One-inch overlays may also be an option for residential streets. The cost to complete 1.31 miles of 1-inch overlay would be \$750,000.

Preparation for a Ballot Measure

There is a great deal of work that would need to be completed in order to ensure the best chance at a successful vote. Public Works staff has identified a list of tasks that they would suggest be completed prior to an election on a local gas tax. These include detailed evaluations of priority streets; developing the methodology for the fuel tax including identifying specific projects to be funded; gathering input from the community on the local gas tax concept and the types of projects proposed under the gas tax; and engaging with stakeholders such as the Traffic Safety Commission, Bike and Pedestrian Commission, the Chamber of Commerce, local fuel retailers, and others.

Even if other projects are put on hold to prioritize gas tax efforts, staff is concerned that the timeline may be too short for the type/volume of work necessary to create a successful ballot measure. The City of Portland approved a local tax measure in the May 2016 election. Portland Bureau of Transportation staff began working on transportation funding three years prior to the election, and began work in earnest on a local gas tax more than one year prior to the election. The City of Bend, who was unsuccessful in their March 2016 attempt at a local gas tax, began their efforts approximately one year prior to the election. Staff is also concerned about proposing a local gas tax at the same time new stormwater fees are being developed.

Staff has identified the following questions to consider should Council decide to pursue additional street funding:

- Is a gas tax the Council’s preferred street funding alternative or should a street utility, general obligation bonds, local improvement districts, increased in-lieu-of franchise fees, redirection of franchise fees, or cost sharing for street lights also be considered?
- What is the desired level of service (what is the revenue target)?
- What is the desired scope of improvements to be completed with the tax?
- Should the tax be applied to gas and diesel?
- Should the tax sunset at a specific point in time?
- What is the desired public outreach process?
- Should the City retain a consultant experienced with developing gas taxes?
- What additional, on-going resources may be needed to manage the local gas tax and deliver capital projects?

Budget Impact:

There is no budget impact at this time.

CB:JB:kw



TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, Public Works Engineering and Community Development Director JB

FROM: Bob Richardson, Planning Manager RAR

DATE: July 6, 2016, for the July 11, 2016, City Council Work Session

SUBJECT: Time, Place, Manner Regulations for Marijuana Dispensaries and Sales

Action Requested:

Staff requests that the City Council provide direction regarding desired time, place, and manner regulations for marijuana businesses.

Discussion:

At the City Council's request, during the May 23, 2016 Council Work Session, staff outlined a proposed decision-making process for potential time, place, and manner (TPM) regulations on various marijuana business activities. Staff also provided three maps that depicted the general impact of various "place" regulations Council had been considering for marijuana dispensaries and recreational sales. No decisions were made during the May 23 Meeting.

During the July 11, 2016 Council Work Session, staff will review the League of Oregon Cities' sample TPM regulations and request specific direction regarding place regulations for marijuana dispensaries and recreational sales. Once Council has provided direction, staff will move to the next steps in the decision-making process, which includes:

- Discussion/Review/Direction on time and manner regulations for medical dispensaries and recreational sales.
- Discussion of potential TPM regulations for the remaining five activities (medical and recreational production/grow, medical and recreation processing, and recreational wholesale activities).

Budget Impact:

None.

RAR:rk