

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, August 8, 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: Mayor Sharon Konopa and Councilors Rich Kellum, Ray Kopczynski, Floyd Collins, Dick Olsen, and Bill Coburn.

Councilors absent: Councilor Bessie Johnson was excused.

BUSINESS FROM THE PUBLIC

There was none.

RECORDS INFORMATION MANAGEMENT POLICIES REVIEW

City Clerk Mary Dibble updated the Council on Information Management policies. A past Council had requested this update yearly. The current Council has not made that request. No action is required. None of the changes in the policies are substantive. In the future, the City Clerk will bring only significant changes or changes that require Council action to the Council.

Councilor Ray Kopczynski said he has heard a number of comments about lack of transparency. He asked how long it usually takes to respond to public records requests, and how many redactions are usually made. Dibble said most records requests are completed in two to four days. When it takes longer, that's usually because we have to track down the requested documents in the Recorder files or forward the request to the City Attorney. We seldom have to redact what we release. City Manager Wes Hare said we would all like to see as much archived material as possible put up on the Web. The problem is that past archiving was done before the Web was envisioned, so archived documents may have confidential information we aren't allowed to release. In order to be sure, we have to go through all the archived records. Our eventual goal is to make every document available at any time.

Councilor Dick Olsen asked Dibble if there is anything in the policies that staff hoped the Council would notice. She said no, just that staff works hard to keep the policies current. The Clerk has over 6,000 Recorder files. Some of them have Social Security numbers, copies of checks, driver's licenses, etc. in them. Payroll Accountant Allison Liesse has been working to identify and redact information that cannot be released; we don't want just anyone to do the job, but someone with a librarian's mind and who cares about the records. Releasing documents before they're inspected and the personal information cleaned up would be a huge liability.

401 MAIN STREET PROPERTY UPDATE

Public Works Operations Director Chris Bailey referred to the memo in the agenda packet. Although the City had to close the 2014 Request for Proposals (RFP), there is continued interest in the property. The City could sell it outright, lease it (or lease to buy), or do another RFP. Originally the Council wanted to be involved in selecting the final use for the property, which is why staff did the previous RFP. It will take a lot of money and dedication to get the property rehabilitated. Does the Council still want to do an RFP?

Economic Development and Urban Renewal Director Kate Porsche said she has a spreadsheet with a list of interested parties. There is one interested local person who could probably do it right. The 2014 RFP only had two responses.

Kopczynski said the building is deteriorating. He asked if Bailey could say how the bidders think they will make money? Bailey said the person Porsche mentioned works at restoring older structures and could probably do most of the work himself. It might take longer, but he would do a good job. The other proposal received in 2014 was from someone who has restored a similar property and leases it for church services and community events. Staff had some concerns that he might not have estimated his proposal correctly.

Porsche said the person mentioned before would not only do much of his own work, but would house his business in the building, so it would be a long-term investment for him.

Councilor Bill Coburn said if we just put the property up for sale, someone could buy it and tear it down. If there's interest in restoring the building, he thinks the RFP process makes sense. There would be no guarantee, but you can't put conditions on a market sale. Porsche said she and Bailey have received a lot of email from citizens who want to see the building restored and used.

Councilor Rich Kellum asked if the City has any legal obligation from the 2014 RFP. Bailey said no. The RFP was written with the condition that the City could cancel it at any time. Purchasing Coordinator Diane Murzynski sent a letter to both parties who had responded to the RFP.

The Council discussed the zoning of the property and parking availability.

Kopczynski said the City pulled money out of the street fund at the first RFP. He's concerned that a new owner would want additional money from CARA.

Konopa said we don't have many historic structures like this one left in Albany. She's worried that the longer we wait, the more the building deteriorates. That's not a good location, and the building should be moved. The risk is that it could fall apart if moved. She thinks we should see if there's interest in an RFP, and if not, just move it ourselves and sell it to someone to revitalize. Kellum agreed that the building would be a huge challenge to move. Coburn said he would not agree to the City taking the risk. Konopa asked if the Council wants it there long-term. Kellum said the Council shouldn't micro-manage. If someone can do it where it is, and get it back on the tax rolls, if not, we can rethink. Olsen agreed. He said it's in the CARA district and is a landmark in that neighborhood. If it were used for a church, there is plenty of parking available nearby. He thinks the City should do an RFP, and be prepared to give a hand with CARA. Kellum suggested giving bidders the fewest restrictions we can to encourage a buyer. Konopa asked if staff had talked to a moving company to see if it's movable. Bailey said no. When the property was purchased, the assumption was that Santiam Road would be rerouted through the property. At that time, a structural engineer evaluated it, but not with the idea of moving it. Staff has had some contact from people who thought about moving it, but after they looked at it, they didn't want it. Councilor Floyd Collins suggested a two-option approach: where is/as is, or acquire/move. Bailey there was a lot of flexibility in the last RFP, but respondents didn't seem to really understand that the City would be flexible. This time, staff will make sure prospective bidders understand that. Konopa suggested using the Preserve Oregon Facebook page to get the word out. Whatever we do we need to do it soon.

The Council agreed that staff should move forward with an RFP.

FOOD CART REGULATIONS

Planning Manager Bob Richardson gave a PowerPoint presentation (see agenda file). In January, the Council asked staff for information about food cart policies. That's what he has today – an overview of issues related to food carts. There are three ways to operate a food cart in Albany: by 30-day license, temporary site plan permit, or full site plan review through the Planning Commission. Albany's Municipal Code and Development Code weren't designed to deal with food carts, so the permitting can get clumsy. If changes are to be made, the Council needs to decide whether to encourage food carts, discourage them, or maintain the status quo.

Kellum said some carts on the map Richardson presented are still operating, though their 30-day permits have expired. Richardson said the 30-day permits are good for 30 days on one site. They can move to a different site and get another 30-day permit. Tracking and enforcement are a challenge. Collins said food carts have to be licensed by the Health Department. If they move to a different site, do they have to get a new Health Department license? Could we work with the Health Department to get notice when carts move? Richardson said staff have had conversations with the Health Department to see how we can coordinate.

Richardson presented a slide listing issues to consider. Konopa said the Council talked about this kind of thing when coffee kiosks became popular. Richardson said yes, there are regulations in the Code for them. They are permanent buildings. The difference is for the carts that want to be temporary. For temporary businesses, the Development Code doesn't require parking, but has some other requirements attached, like landscaping and a paved surface. The question is, if it's temporary, what site improvements can we reasonably require?

Richardson said the issues on his slides primarily relate to a food-cart pod rather than stand-alone food carts. He listed some of the issues that would need to be considered. Site plan review criteria can be used for food carts, but they weren't designed for food carts. There are no specific requirements for how to deal with wastewater, for instance. We talk about those kinds of things in the permit process, but it's not as direct. Site plan review can take a month and a half to two months, and might not have much of an impact on the outcome for a food cart.

Richardson said there are several possible options: keep the current policy; make minor revisions to the policy; revise the policy to encourage food carts; or revise it to discourage them. Staff recommends Option 2, keeping the present policy and making minor revisions.

Kellum said there are two issues: food cart pods, and short-term food carts. Our primary concern is safety, including illness, fire, and mess. For short-term carts, we could use the same regulations we use for festivals like Art and Air, plus require them to demonstrate that they're in good standing with the Health Department and have a Form 941. This wouldn't require a lot of staff time. Staff could set minimum standards for location, waste disposal, etc. If they have the documentation available when they apply for a permit, it wouldn't take much staff time.

Konopa restated that staff is recommending Option 2. She asked the Council if that's what they want staff to pursue. Kopczynski said he'd like to use Option 2 with the long-term goal of using Option 3 to encourage food carts.

Richardson said staff could use regulations from other communities as examples. He likes the City of Sandy's review process. Kopczynski said we should look at communities whose regulations are working.

Hare said no policy will solve all the issues. You end up with a policy you can live with. Our policy isn't in crisis. The carts succeed or fail because people in the community want them to succeed or fail. The issue deserves more attention, but we won't ever make everyone happy.

Richardson said he talked to the cities of Corvallis and Springfield. They have both spent a lot of time on food carts, but there aren't many carts in Corvallis and none in Springfield. The Council should consider how important this problem is compared to the time required to solve it. Coburn said he's not interested in doing anything. If the Council wants to look at it further, he'll go along, but he's not interested in looking at it, especially if it takes "several years" of staff time as in Option 3. He asked, what's the return on investment? He doesn't see it in a transient food cart. This is not Portland.

There was discussion about disposal of gray water.

Collins said he doesn't want to discourage the little mobile cart guys, like the non-motorized cart pulled by a pickup. If they're taking care of their waste, he doesn't care about regulating them. If we want to talk pods and spend City time, we need to know if the public wants that. Where's the clamor for food pods?

Olsen said he is in a quandary. Where does a little guy get a chance to get a start? But some towns are less fussy about regulations, and they attract people and it becomes more like the county fair. Maybe that's the kind of place for food carts. But you have to have some standards about waste. Maybe we should just try food carts and if a problem develops, then solve the problem.

The Council agreed that they support Option 2.

Public Works Engineering and Community Development Director Jeff Blaine asked if the 30-day permit process should be moved from the City Manager's office to the Planning Department? Hare said yes.

BUSINESS FROM THE COUNCIL

Kellum asked if a place has been found for the time capsule in one of the new buildings? Public Information Officer/Management Assistant Marilyn Smith said yes, it will be at the Police station.

The Council discussed logistics for the ground-breaking at the new Fire and Police stations tomorrow.

CITY MANAGER REPORT

Hare spoke about his trip to China and his experience on the Great Wall.

Blaine said the flashing crosswalk lights around Grand Prairie Park and at 34th won't be getting funding from ODOT. He asked if they are still a Council priority. Konopa asked if they are SDC-eligible. Blaine said no, but we might be able to get some of them done from reserves. Collins suggested prioritizing the lights we want and pursue the ODOT application. Blaine will bring a map and list of the crossing locations to the meeting on Wednesday, August 10.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Allison Liesse
Accounting Specialist

Reviewed by,

Wes Hare
City Manager