

CITY OF ALBANY
CITY COUNCIL
Council Chambers
Wednesday, March 22, 2017
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 Koczynski, Dick Olsen, and Mike Sykes.

Councilors absent: None.

SCHEDULED BUSINESS

SPECIAL PRESENTATION

Greater Albany Public Schools (GAPS) bond measure.

GAPS Superintendent Jim Golden and School Board Member Micah Smith introduced themselves. Golden thanked staff, especially Public Works Engineering and Community Development Director Jeff Blaine and City Manager Wes Hare, for the good relationship with the School District. The District is going out for a bond on May 16, 2017, with Ballot Measure 22-165. The bond would improve the safety and maintenance of facilities, to build a new elementary school next to Timber Ridge, for a major remodel of Oak Grove Elementary, a major remodel of West Albany High School, and an addition to South Albany. The bond will also fund extensive vocational/technical programs at middle and high schools, in partnership with local businesses. The District wants to develop a pipeline of workers that will be work-ready and/or ready to go on to Linn Benton Community College or universities. He presented handouts (see agenda file). The last school built in Albany was Timber Ridge in 2009. It cost about \$28 million. A new middle school today would cost about \$60 million. A new high school would cost \$100 million or more. Elementary schools cost about \$32 million. Bond rates are historically low. Golden said, we're projected to grow by about 100 kids per year for the next five years. Albany is a very attractive and affordable community.

Smith said he has lived here for 25 years. He is a product of GAPS vocational and technical education. The School Board has worked closely with members of the Council and with businesses to determine what the community needs from its schools. First and foremost the answer is, we need employees that are ready to show up to work on time to solve problems and work collaboratively; but the schools are not currently doing enough to give students the needed skills in trades and the ability to get a vocationally relevant technical job. The District does have great programs, including a health occupations program; but, Golden said, we can do more, and the business community says they want to do more. Our goal is to build public and private partnerships to take advantage of the interest. We won't be trying to give students cutting-edge technology; rather, we want to give them the "second-edge" technology that businesses are currently eliminating. This is a great opportunity, because businesses locate where there is a workforce, employees locate where there are great schools. This is a school bond, but it's really a community viability bond. He hopes that the Council has received enough information to consider a resolution to support the school bond measure.

Coburn asked, are you going to eventually replace the entire school at West Albany High in phases? Smith said they plan to do it in two phases. The first phase would build on space behind the existing school. The second phase would build on the side next to Memorial Middle School. At that point the existing building would be demolished, and that space would become sports fields and parking. The parking would gain 63 spaces. The new school would face Liberty Street, to reduce congestion on Queen Avenue. The work will take two bonds to get it done.

Councilor Rich Kellum said one thing people forget in talking about technical education is that more people need it than the ones that actually will perform the work. Engineers also need to know how the technical processes are done. He said the district needs to also sell these programs to the college-bound students; they need it as much or more.

Golden said, our middle schools are lacking because they aren't well-rounded any more. We have money in the bond to round out the middle school programs.

Smith said that some high schools are doing practical exercises, and also virtual exercises with advanced students, to teach the computer and engineering skills needed.

Kellum said that the person who will program the robots needs to understand in a real way how the product the robot builds goes together and works.

Councilor Dick Olsen said he hears positive comments about our oldest school, Central School, which is 102 years old. He hears that it might be phased out as a grade school. Golden said there isn't enough space to put kids now, so he doesn't anticipate phasing out Central School, even with the addition of a new school. He thinks even with the bond, we may find ourselves in ten years without enough space. We'll need all of our available space and may need to make additions to existing schools.

MOTION: Councilor Bill Coburn moved to endorse the GAPS Bond Measure 22-165. Kellum seconded the motion and it passed 6-0.

SCHEDULED BUSINESS

Public Hearing

Exempting the design and construction of WTP-17-02, Vine Street Water Treatment Plant (WTP) Improvements Project from the competitive bidding process and approving an alternate competitive contracting method, referred to as design-build.

Open: The public hearing was opened at 7:38 p.m.

There was a signup sheet at the dais (see agenda file). There was no one signed up.

City Engineer Staci Belcastro described design-build procedure. The design-build process is a competitive contracting method that will provide less downtime at the WTP. Belcastro said that design bid-build, also known as low-bid contracting, is the most common process used by the City. Generally there are not restrictions as long as the contractors are licensed and bonded. This encourages competitive pricing but there aren't any allowances to accommodate for evaluating other criteria, like qualifications. There are also prescribed timelines that the Oregon Purchasing Rules requires for low-bid contracting and it takes approximately a month from project advertisement until the City Council sees it. The low-bid process does not provide many opportunities to fast track the project.

Belcastro said that during pre-design, Civil Engineer III Nolan Nelson compared using design-build to low-bid contracting and saw that the latter would allow the City to fast track the project. At the WTP, we try to coordinate with other improvements to minimize the time the plant has to be down. They plan to repair a leak between filters 9 and 10 at the same time as this project takes place. All of the specialized filter media will need to be removed and stored, then the leak investigated and repair made. For these reasons, the design-build seemed to be a better method. The largest filter is 32 long x10 deep x 15 wide.

Belcastro said that design-build is not common to Albany, but it is common in Oregon. If the Council would approve this then staff will work with Purchasing Coordinator Diane Murzynski to begin the process. The criteria can include cost maximums. Staff will manage project costs. If there is an opportunity for cost savings during the design, the savings will split equally between contractor and the City. If necessary, we can also verify costs with a third party. Belcastro said, we work with vendors, so we know what numbers we should be looking at in order to get good value for the city. If there is work outside the scope, we will use the same cost control methods if it were a low-bid contract.

Belcastro said staff recommends that the design and construction of WTP-17-02 be exempt from competitive bidding process and that the Council approve the design-build process.

City Councilor Mike Sykes asked, how many design-build projects has the City done in the last five years and who administered them? Belcastro said, we haven't done a design-build before, but we have done Construction Management General Contracting (CMGC) which involves multiple parties. Discussion followed about the expertise required to write the documents and coordinate the process. Hare is very comfortable with City staff's ability to write and administer the contract. Sykes is concerned that the contract has to be very specific so that the City doesn't end up paying more money. Councilor Bill Coburn said the burden can be shifted to the contractor if there are any issues because it is their design, not ours. The City can write language into the contract that states that we aren't sure what the contractors will find during the repair stage, and that is the risk associated with the proposal.

Closed: Konopa closed the public hearing at 7:55 pm.

MOTION: Councilor Ray Kopczynski moved to approve the exemption from competitive bidding; and approve the alternate competitive contracting method Design-Build for WTP-17-02. Coburn seconded the motion and it passed 6-0.

MOTION: Councilor Bessie Johnson moved to adopt the Resolution, which includes written Findings, and Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6583.

MOTION: Kopczynski moved to direct staff to prepare solicitation for a RFP for a Design-Build project. Johnson seconded the motion and it passed 6-0.

Business from the Public

Patricia Kelley, 4045 Glenwood, Albany, and Cathy LeSuer, 130 Sherman Street, Albany, introduced themselves. Kelley and LeSuer are on the Missions Committee for Albany Evangelical Church at First Avenue and Pine Street. Kelley said the church is 148 years old and has been at that location since 1909. As a family church, they are very involved in the community. For example, they moved a house that needed to be torn down at Second Avenue and Oak Street to a new location and another house one at First Avenue and Oak Street. There is a memorial garden and basketball hoops on the property, and other amenities. Kelley said, we are unique in our longevity in this location and land and building resources.

Kelley said they have noticed in the morning that there have been many preschool and elementary children, along with their parents, waiting for school buses in rainy weather. They want to construct a small, rudimentary bus shelter on the west side of the church property, within the City's right-of-way (ROW). There is a blacktop there now that would work well for a 4 x 6 shelter, with three sides, no bench, and made of polycarbonate. Kelley distributed a letter, pictures, and a map describing their plan (see agenda file). They don't want the shelter to be on church property because there is a large grassy field that they may want to use for a future community garden or sports fields. They will commit to the upkeep of the shelter so the City would have no responsibility for money, personnel, or upkeep.

Konopa asked if Kelley and LeSuer meet with City staff to discuss this further. Discussion followed about the shelter being in the public ROW and the impact that may have. Konopa suggested they also talk to Belcastro and also Albany Police Department about the project.

Konopa thanked them for their commitment to the community.

First Reading of Ordinance

Repealing Ordinance No. 3468, Chapter 13.64, Vehicle Load Limits, of the Albany Municipal Code in its entirety.

City Attorney Sean Kidd read the ordinance for the first time in title only: AN ORDINANCE REPEALING ORDINANCE NO. 3468, CHAPTER 13.64 VEHICLE LOAD LIMITS OF THE ALBANY MUNICIPAL CODE IN ITS ENTIRETY.

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

Kidd read the ordinance for the second time in title only.

MOTION: Coburn moved to adopt the ordinance and Councilor Dick Olsen seconded it. The motion passed 6-0 and was designated Ordinance No. 5889.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) January 11, 2017, Regular Session minutes.
 - b) January 23, 2017, Work Session minutes.
 - c) January 25, 2017, Regular Session minutes.
- 2) Approving application for the Fiscal Year 2017-2018 State Hazardous Materials Emergency Preparedness Grant not to exceed \$26,500 on behalf of the Mid-Valley Loan Emergency Planning Committee for hazardous materials responder training and a response exercise. RES. NO. 6584
- 3) Accepting a variable-width right-of-way dedication for the south half of the 33rd Avenue SE cul-de-sac bulb from Stanley Anthony Shulster Revocable Living Trust; Linn County map and tax lot 11S-03W-18DB-00207. RES. NO. 6585

Kopczynski asked for item 3) to be removed for discussion.

Coburn moved to adopt the Consent Calendar with item 3) removed for discussion. Kellum seconded the motion and it passed 6-0.

Kopczynski asked who owns the other half on property referred to in item 3). Staff said that the City owns it.

MOTION: Kopczynski moved to adopt item 3). Kellum seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Transient Lodging Tax (TLT)

Kellum said the Transient Lodging Tax Ad Hoc (TLT) Committee reported to Council Monday, and requested to be a standing committee that would meet three to four times a year, to supervise the efficacy of how the money was spent.

MOTION: Kellum moved to convert the TLT Ad Hoc Committee to a TLT Advisory (or Oversight) Committee of the same members, and ask staff to come back to Council with parameters for member terms. Sykes seconded the motion.

Kopczynski asked if the terms aren't already spelled out in the Committee's request. Kellum said that request is just a recommendation to the Council.

Konopa said she thinks this is premature. The Council just received the report and hasn't had time yet to discuss it. She said there are several things to consider. The City doesn't have committees that control expenditures of City funds. If we go down this path, we are setting a precedent. For groups that discuss spending, like CARA and the Budget Committee, the Council is part of the group. If we let a committee decide how to spend funds, will we have the Parks and Recreation Commission start setting the Parks budget, or the Public Safety Commission making spending decisions for the Police and Fire Departments? Advisory committees don't make spending decisions on their own, only if they are joint committees with the Council.

Discussion followed about the role of the committee. Kellum said the people on the previous TLT committee also received the money. Konopa said there were two Councilors also on that committee.

Hare said the advisory role can be useful. We currently have about twenty of them. One thing we don't do is talk about the cost of advisory committees. They require staff support, public notice, and minutes, and you create some potential for conflict if Council decides against the recommendation of the committee. The decision belongs to the Council, but it does come at a cost.

Konopa said if the Council wants to do this, she thinks Councilors should be involved with the committee. She still thinks this is premature, since the Council just got the report. Kellum said the Council has had the information coming in for thirteen months. The Council knows what's been going on. The committee members are professionals with experience in the area beyond some of the Council.

Konopa said what was presented to the Council on Monday was not submitted to the committee. The committee did not see that final report. One commission member told her that the report was not what was communicated to the committee. When there's a final report to Council from a committee, it should be reviewed and approved by the full committee, and that did not happen. Kellum said the committee got consensus on each item of the report. They didn't vote, but they had consensus. Konopa said what was presented to the Council on the Northwest Art and Air Festival was not consensus. Discussion followed about whether all committee members were aware of the scheduled meeting.

The clerk read the motion back to the Council: Move to convert the Ad Hoc TLT Committee to a TLT Oversight Committee using the same members, and to have City staff come back with parameters for the committee member terms. The motion maker agreed that this was correct.

Olsen said he sees no need for this committee.

Kopczynski said he has no problem with the report itself, but he has a small concern with the process as outlined. Kellum said the motion doesn't approve or disapprove any of the committee's recommendations.

VOTE: A vote was taken on the motion and it passed 5-1 with Olsen voting no.

Waverly Duck

Kopczynski said the fund for the Waverly duck is up to \$520. There will be an editorial in tomorrow's *Democrat-Herald* supporting refurbishing the duck. The Parks and Recreation Foundation will be the 5013c recipient, so if people want to make a tax-deductible contribution, they can. The Gofundme site is Gofundme.com/waverly-duck.

Konopa said there was an error in the *Democrat-Herald*, because it sound like the Council was not in support of refurbishing the duck, but the Council actually supported getting donations. She thinks the paper should clarify that. Kopczynski thanked blogger Hasso Hering for his assistance.

Sykes thanked the people who filled the pothole on Pacific Boulevard.

Johnson said the *Democrat-Herald* announced on March 18, that the Albany Police Department will start their new computer system. She is pleased that the system is being upgraded from a DOS-based system. She said the new system should streamline operations.

Sewer Lateral Replacement Program

Olsen shared a story about his basement flooding in the early 1980s. During the heavy rains in 1996, it flooded again, and the City said there was nothing they could do. He said, now we have a couple programs to keep rainwater out of sanitary sewer; gutters run stormwater to the street, and line bursting the laterals in front of houses helps to reduce back up and infiltration. Olsen said he didn't have any issues with the last

rain, but one of his neighbors did. He encouraged his neighbor to look into the City's sewer lateral program. The neighbor learned that the City still has a program but there is no money, so she will have to wait until July in order to get the problem fixed. Olsen said staff told him that if they had more funding, they could get caught up.

Blaine said the sewer lateral replacement program is accounted for in a line item for \$200,000. We typically spend \$225,000 by using related funds on another line item later in the year, but we still we fall short to fix all the applications we receive from residents. We have five on the waiting list now, including Olsen's neighbor, and staff anticipates the waiting list to grow before the end of the fiscal year. The question Olsen wanted to raise tonight is if increasing the program funding is something the Council would support.

If the Council chooses to expand the program, Blaine suggests they make it a permanent change, so that staff doesn't have to come back and ask for additional funding when the number of applications exceeds the totals. The justification to increase is obvious, because it gets groundwater infiltration out of the system resulting in less water to pump and treat. Also, it looks good on grant applications. The program is 17-18 years old and there have been no inflationary adjustments, so we get less work done compared to what we used to. The downside is that there is still tens of millions of unfunded needs in the wastewater system, so spending dollars on this program means we won't be spending it in other places. Blaine suggests that the Council start small, such as a \$50,000 increase. It is a small amount relative to all the needs but it is not an unsubstantial amount.

Kellum asked, is that the most effective way to get the water out of the system compared to the other needs of the system? What is the best use of the dollar? Blaine said the laterals staff sees are in very bad condition. Private sewer laterals don't get a lot of attention from homeowners and so there is quite a bit of water that comes in that way. He does think the program is meaningful. Hare said generally, 70% of Inflow and Infiltration (I & I) comes through laterals.

Kellum asked if the greater need is in the laterals or the system. Blaine said that this \$50,000 won't impact the overall projects comparatively. Some of these sewer laterals are significant expenses for homeowners, so for them it is a big impact; the City is able to buy a lot of goodwill with this program.

Hare said this program is a bit unusual; most cities do not have it. But, it is a program that is justified on many levels. It helps with I & I, and moreover, most homeowners are not prepared to cover the cost of an extraordinary expense like this.

Blaine said there is no budget action required; he just wanted to get Council's input. He can start with \$50,000 and it will show as a proposed increase in next year's budget.

Sykes asked why we don't we make the home owner pay for the lateral if it is their responsibility. Hare said it is difficult because we don't know about the problem until the sewer backs up. Sykes asked if there is a similar program for water lines. Blaine said no. Konopa said the sewer backups often happen in historic homes. Blaine said the difference between water line and sewer lines is that for I & I, there is a real long-term cost. For example, we need a wet weather pumping station, a \$12 million project, all because of I & I.

Kellum asked how many fixes the \$225,000 would pay for. Blaine said over the last three years, they were able to help 60, 50, and 47 houses. The average project is about \$4,400.

Coburn sees the value in the program.

MOTION: Olsen moved to allocate an additional \$50,000 to this year's Sewer Lateral Program. Coburn seconded the motion and it passed 4-2 with Sykes and Kellum voting no.

Konopa informed staff that a train was blocking Santiam Hwy for 20 minutes recently on a frequent basis. She got a call from a constituent.

Konopa noted that Hasso Hering's blog addressed a gas tax, which generated many calls.

Kellum said he was at Chamber Governmental Affairs Committee, where Representative Andy Olson spoke about gas tax going through the House of Representatives, proposed to be from 5 to 25 cents.

Pacific Corp to grant a 10 foot wide Electric Power Easement for the Carousel Project

Blaine said there is resolution and easement on the dais (see agenda file). The easement is for Pacific Corp to grant a 10 foot wide Electric Power Easement for the Carousel Project.

MOTION: Kellum moved to approve the resolution and Kopczynski seconded it. The motion passed 6-0 and was designated Resolution No. 6586.

AMC Language for Recreational Marijuana

Blaine recalled that at the December 7, 2016, Council meeting the Council adopted code language for recreational marijuana. We did not have code language in place for medical uses other than the preexisting language for dispensaries. We discussed at that time about coming back and mirroring the language for recreational to apply to medical. That discussion has not taken place yet.

Blaine said, we have a property owner who has come in with a pre-application meeting request for a medical producer and processing operation. We told them the Council had expressed an interest in language for medical that mirrored recreational; and if that were to be adopted and in place, then that use would not be allowed at the location they are considering. As the AMC is currently written, however, that limitation does not currently exist. Blaine said, this is to remind the Council that the issue still needs to be addressed, and if the Council wants to do it before there is an application, then they need to do it right away.

Hare cautioned that they should not base their decision based on the location of a pending case. The decision should be what you want to do with producing (growing) and processing medical marijuana. Discussion followed about the result of the action on December 7, 2016. Kidd described the current regulations.

Hare said there seems to be consensus to bring back an ordinance to extend the same limitations to medical as were applied to recreational. Kidd noted that the marijuana regulations at the state level continue to evolve on a daily basis.

Sykes asked several questions about AMC and state regulations.

MOTION: Kellum moved to direct staff to bring back an amendment to Ord. No. 5887 to apply the recreational marijuana Time, Place, and Manner rules to medical marijuana; and to grandfather in existing businesses. Coburn seconded the motion and it passed 4-2, with Olsen and Kopczynski voting no.

Konopa discussed City Manager interviews to take place next week.

Kellum noted that he contacted local sign companies regarding the wayfindings signs and discussed it with staff.

NEXT MEETING DATE: Work Session: Monday, April 10, 2017; and Regular Session: Wednesday, April 12, 2017

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Wes Hare
City Manager