

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, February 6, 2017
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 Bill Coburn, Dick Olsen, Ray Kopczynski, Mike Sykes, Rich Kellum, and Bessie Johnson.

Councilors absent: None.

BUSINESS FROM THE PUBLIC

There was no business from the public.

MUNICIPAL COURT ANNUAL REPORT AND JUDGE'S CONTRACT REVIEW

There was a revised copy of the 2016 annual report on the dais (see agenda file). Municipal Court Judge Robert Scott reviewed the report. He pointed out that the overall number of cases is down less than one percent; because of that, the overall total revenues are down less than one percent. He said there is very little change in their workload and their caseload is current.

Councilor Rich Kellum said he had heard of an issue with a number of homeless persons who do not respect the Police or the court in Albany because the sentencing penalties aren't harsh enough to deter them from their illegal activities. He asked Scott whether there was anything to be done about this issue. Scott explained that this is an issue in other areas as well, not just Albany. He said that a select group of homeless citizens represents a major problem for the police and the community, but he noted the importance of proportionality in sentencing. He said he couldn't in good conscience provide lengthy sentences for relatively minor crimes that include criminal trespassing and drinking in public. Scott said he also has to consider whether additional time in jail is going to change their behavior. He said that if an alcoholic homeless person spends more time in jail but is still released with no resources, they are typically going to go right back to what they were doing before. Discussion followed.

City Manager Wes Hare said that he believes that what Scott is trying to get across is that the nature of these offenses is generally minor. He added that there are many resources in Albany that will help. The Signs of Victory warming shelter, for example, will take people who are drunk; but they can't be forced to go there, and the shelter's resources are limited. Hare said a major issue is that these agencies have rules with which some homeless persons don't want to comply.

Konopa stated that it was discussed in a prior meeting with Scott that he would work with the City Attorney to see what could be done about some of the repeat offenders. She highlighted the importance of education in the community as well in trying not to enable people to remain homeless and trying not to enable their habits. She added that Council would soon receive a request from Signs of Victory to help finalize their new shelter location, which should help bridge the current gap in resources. She stated that there are always repeat offenders who place a huge toll on City services including police, the court, and the Parks & Recreation Department.

Councilor Dick Olsen added that the state needs to do more to help with mental health. Discussion followed related to the number of beds available at the Linn County jail for use by the City of Albany and how lengthier sentencing for repeat offenders might affect bed availability for those who commit more significant offenses.

Konopa stated that for her the outcome is that everyone should have a roof over his or her head. She feels that it has to be considered unacceptable for someone to live on the street. She said they need to keep focused on the goal of being of service to the homeless and that goal is to get a roof over their head.

Councilor Mike Sykes questioned the wording on page 6 of the agenda packet; paragraph B, the last sentence. Scott's contract currently reads that he is responsible to pay for pro tem charges over \$3,000. Hare said that is a holdover from when Scott was an independent contractor; he is now a City employee. Sykes said he doesn't feel it is right that if Scott were out for an extended time under Family Medical Leave Act (FMLA) that he has to pay for his replacement. Sykes noted that the City wouldn't hold any other City employee to that. Konopa asked staff to look into this item, discuss with Scott, and bring back a revised contract to the February 8, 2017, City Council meeting if it needs to be changed.

EMERGENCY WARNING SIGN @ ELLSWORTH & SIXTH

City Engineer Staci Belcastro explained that the discussion is a continuation of the discussions at the January 18, 2017, CARA Advisory Board meeting and the January 23, 2017, City Council Work Session. At the January work session, Councilor Bill Coburn asked staff to discuss the option of a traffic signal with the Oregon Department of Transportation (ODOT). Transportation Systems Analyst Ron Irish spoke with Regional Traffic Engineer Dorothy Upton regarding the proposal. ODOT is open to the idea of a traffic signal in that location, but a traffic analysis would need to be completed. Belcastro explained that staff is at a point in this project where they need a decision from Council as to which option to pursue so that they can finalize the letter to ODOT describing the improvements that will be made.

Olsen asked who pays for the analysis and how much it costs. Belcastro said the analysis would typically run between \$10,000 and \$12,000. Irish explained that the last traffic analysis the City had to do was for the Oak Avenue extension, which was an extensive process to document the need for the signals. In that case, the process took about nine months. Irish said he anticipates this process to be much simpler and take roughly three months for ODOT review. Once the review is done, staff can get into the design work. Irish said that the streetscape project would be handled separately, and the signal project would run roughly a year behind the streetscape schedule. If Council chose the sign bridge option, it would be part of the streetscape project and would be approved right away. In response to a question from Council, Belcastro explained that the sign bridge would cost roughly \$200,000, the full signal would cost roughly \$350,000, and the advanced warning lights would run approximately \$15,000.

Coburn said he was in favor of the advanced warning lights option as he feels that \$200,000 is excessive for a sign bridge and a full traffic signal in that location would be overkill.

Councilor Ray Kopczynski asked Fire Chief John Bradner to weigh in. Bradner said he has some serious reservations about the advanced warning lights option. He said they only work part of the time on 34th Avenue, but it was better than what was there before. The traffic on Ellsworth Street is accustomed to have a red stop light there. His concern is that they would be taking a significant step back in terms of safety going with even the sign bridge. Bradner noted that the Fire Department had a medic unit totaled roughly six months ago, and it was a \$43,000 loss. Discussion followed.

Kellum said that from his perspective, the lower priced advanced warning lights would be the best option. He suggested that the warning lights could be installed to try to the cheaper option first; and if they aren't sufficient, they could upgrade to a signal. Irish pointed out that it would be difficult and more expensive for Council to decide after the fact to pursue a signal in that location. It would be a much bigger job to reconstruct everything rather than do it that way from the beginning. Kopczynski said that the cost amortized over ten years is well worth it to have the safest option. Councilor Bessie Johnson said she agreed with Bradner that a signal is needed; she doesn't think the advanced warning lights are going to get drivers' attention. Konopa agreed, saying she doesn't even notice the ones on 34th Avenue.

Albany Police Lieutenant Brad Liles pointed out that drivers are trained to stop at a traffic signal. He gave the example of the First Avenue train trestle, which features flashing lights and even chains hanging down, yet people continue to crash into it. He said it is simply muscle memory; people are conditioned to stop at a three-position light. He said that if Council were evaluating this from a traffic safety perspective, a three-position light is the best option.

In response to a question from Sykes, Irish explained that the design of a traffic signal system would be done in parallel with the other improvements in the area, which would reduce costs. Belcastro noted that while the signal design could be done in parallel, it would likely be installed at a later date, but the street improvements would be installed with the signal in mind.

MOTION: Johnson moved to pursue the three-light traffic signal option as outlined by staff. Kopczynski seconded the motion, and it passed 5-1 with Kellum voting no.

PRIVATE PROPERTY IMPOUNDS

Konopa moved this discussion item before Pavement Condition Assessments to accommodate members of the public who were in attendance.

Code Enforcement Officer Kris Schendel explained that based on direction from Council, he contacted the Department of Justice (DOJ) and the Oregon Department of Motor Vehicles (DMV) for more information. He then evaluated private property impound (PPI) codes for the cities of Portland, Gresham, Fairview, and Tualatin, which all have PPI codes based on ORS 822.230. Schendel explained that existing regulations are limited; many regulations follow lien codes. There are no state regulations related to fees that can be charged or the distance a vehicle can be towed, which the proposed ordinance addresses. Schendel spoke with Albany apartment complexes that have contracts with towing companies outside of Albany. Some of the complex representatives stated that while they have contracts with the towers, they're not necessarily aware of the tows that are happening and feel as though they don't have a say in whether a car is towed since they have a contract with the tower. Albany Police Department (APD) staff came up with the proposed ordinance in order to protect citizens.

Kellum said he doesn't have a problem with the idea that if a vehicle is towed in Albany, it should remain in Albany; for a citizen to have to go outside of Albany to retrieve their vehicle is probably abuse. He said he does have an issue with the City telling tow truck operators what they can charge. Konopa said she met with one of Albany's towing companies recently and they were in favor of setting fees. Kellum argued that people shouldn't be parking illegally anyway, and the market should drive rates. Schendel explained that he determined the fee schedule by averaging the rates of major companies in other cities. Hare added that if you don't put restrictions on rates, companies can charge whatever they want; it's not as though people can choose which towing company to use and force towers to have competitive rates.

Coburn asked how prevalent the problem really is. Liles explained that predatory towing has not been a problem in Albany before now because we haven't had private towing companies driving around looking for tows. He said he's never seen this issue in Albany, vehicles being taken away in the middle of the night and towed away at an exorbitant fee. Konopa said she'd welcome the Councilors to drive around to the apartment complexes in town as they'll see the same towing company signs everywhere. She said that Albany is not the only city looking into this; there is a senator proposing a bill related to predatory towing because it's become such an issue.

Coburn asked whether there would be any way to enforce this ordinance other than on a complaint basis. Schendel noted that one of the requirements is for a tow company to promptly notify APD when a vehicle is towed. Coburn asked how the two companies would be made aware of these new regulations. Schendel said that all companies in the area would be notified directly of the new ordinance. Coburn said that he liked the idea that vehicles can't be taken out of town and that the owner of the property has to call for the tow, which means it can't be predatory. He felt that, overall, the ordinance might be overreaching. He questioned whether Albany would be creating an environment where tow trucks wouldn't operate because the rules are too onerous. Liles explained that towers are already required to take pictures and document tows. Schendel clarified that the proposed ordinance is designed to address predatory behavior. Discussion followed.

Cliff Wooten, retired Linn County Commissioner, commended the Council for addressing a predatory issue and doing what they can to keep costs down for citizens. He shared his experience in dealing with towing companies as a County Commissioner and said that most of the local towing companies are only trying to help people and at the same time make a living, typically charging just enough to make a profit and not gouge the customer.

Dan Ramsey of Hwy 34 Towing & Repair explained that his company won't do any tows where the car hasn't been sitting for at least 72 hours, and the owner has to call to request the tow and has to sign their forms. He cited a state law already in place that he believes prevents towing companies from taking vehicles outside of the city. Schendel explained that in doing his research, he found this to be a common misconception; but according to the DOJ, that law only requires that liens be filed in the city from which the vehicle was towed. Discussion followed.

This item will come back to the February 8, 2017, City Council meeting for adoption.

PAVEMENT CONDITION ASSESSMENTS

Konopa moved this discussion item after Private Property Impounds to accommodate members of the public who were in attendance.

Public Works Engineering & Community Development Director Jeff Blaine said that this was a continued discussion from the January 23, 2017, City Council Work Session about pavement asset management and how to meet lifecycle goals. Blaine gave a PowerPoint presentation (see agenda file).

Blaine reiterated that it is cheaper over time to maintain good roads than to replace bad ones. He noted that for the arterial streets graph shown on slide number 9, there are 3.28 miles shown as being in poor condition. He said the good news is that Hill Street makes up two miles of that, which will be addressed in an upcoming project. Blaine said that from his view, the graphs match up with how the City has chosen to spend street funds, investing primarily in arterial and collector streets.

Johnson asked why some North Albany streets weren't shown on the map. Blaine explained that only streets in City jurisdiction have been included. Johnson asked to receive a map that included Benton County roads as well, which Blaine said he would generate and provide to the Council.

Blaine pointed out that the current funding for street improvements is very limited. Staff evaluated the current funding and compared to the requirements to maintain roads and found that it would not be possible to even maintain the current conditions if no other funding were secured. He said that if the goal is to maintain roads, let alone improve conditions, then other funding methods need to be identified. In looking at all road classifications together, roughly \$11 million per year would be needed to invest in projects to maintain the current average rating for existing road conditions. He said there is between a \$10 million and \$19 million per year funding gap, depending on the level of service Council wants to provide. Blaine explained that this is a broad view of the issue, a starting point for staff and Council to get their heads around the issue. The current figures are a very big picture approach, but are an accurate representation to demonstrate that there's a lot of investment that would have to be made to improve streets.

Olsen asked what the funding gap would look like in terms of a property tax assessment. Hare said that in looking at a very rough estimate, the City currently generates about \$30 million per year in property taxes at a rate of roughly

\$8 per thousand; so taking a third of that would mean roughly \$2.50 per thousand. Blaine reiterated that the figures presented are just a starting point to consider funding options and to determine what level of service Council wants to provide.

Coburn said he's hearing that \$10 million is the minimum needed. He'd like to see the property tax question brought back but also the option of a local gas tax. Blaine said his recollection was that they could expect to receive around \$250,000 per year for every one penny of gas tax imposed. He added that every local gas tax that was on the ballot in Oregon last fall failed. Portland recently enacted a 10-cent gas tax, but that was during a special election.

Sykes questioned how roads could have possibly gotten this bad before making an investment, asking if it's a case of having the money and choosing not to invest in roads. Konopa explained that federal gas tax hasn't increased for the last 30 years; and with inflation, the City can maintain less and less. Blaine explained that Council has known about this issue for many years, but there's been other significant budgeting priorities including a water treatment plant, a water reclamation facility, stormwater compliance issues, etc., and the concern of overburdening rate payers. The goal has been to satisfy the most pressing need of the time. Coburn noted that budgeting for street maintenance is akin to the idea of a homeowner setting money aside every month in anticipation of replacing their roof, which the vast majority of people don't do. Discussion followed.

Public Works Operations Director Chris Bailey pointed out that staff looks to the Strategic Plan for direction from Council. The Strategic Plan has the \$1.5 million per year available for street repairs and improvements focused on arterial and collector streets. Staff is looking for Council's direction as to what they want staff to focus on and what funding options they want staff to look into. Discussion followed.

Blaine added that staff hopes to bring this issue back for discussion in March. Sykes said he doesn't feel the answer is kicking the can down the road; he feels it's time to do something. Konopa agreed that Council would need to make some tough decisions. She said Council would have to decide whether they're going to shelve this issue again; or if they're going to look for funding options, perhaps a bond, gas tax, street utility fee, or something else.

BUSINESS FROM THE COUNCIL

Kellum voiced concern over what he believed to be misinformation relayed to the Transient Lodging Tax (TLT) Ad Hoc Advisory Committee following the January 9, 2017, City Council Work Session. Kellum said that at the January work session, Assistant City Manager/Chief Information Officer Jorge Salinas asked Council whether they wanted to form a permanent committee. Since then, members of the TLT Ad Hoc Committee have approached Kellum and said they wish to be part of a permanent committee that would meet a few times per year to evaluate the progress of TLT. Kellum told the members that he would bring the idea to Council. Kellum then proposed to have the current Ad Hoc Committee members serve as the permanent committee that evaluates the progress of any changes that are decided upon by Council.

Konopa said that when Council discussed this issue in January, the decision was made by the majority of Council not to form a permanent committee. She noted that when it comes to funding, the Budget Committee and the Council are already in place and are ultimately responsible for TLT. Kellum said the Council doesn't have the expertise. Konopa said that is a point on which they disagree. Kopczynski pointed out that Council hasn't even received a recommendation from the Ad Hoc Committee yet. Coburn commented that the report they received from the Ad Hoc Committee in December 2016 was good; it identified some issues such as the lack of communication between stakeholders. He said he agreed with Kellum that this item should be discussed at a future work session; Council needs to make a final decision whether or not a permanent committee continues to meet.

Hare said he believes the Ad Hoc Committee is planning on coming forward with their recommendations soon. Kellum expressed concern over the feedback he received from committee members, that Salinas told them the Council doesn't want to form a long-term committee and that they needed to conclude their work. Konopa pointed out that Salinas relayed the recommendation agreed upon by Council at the January work session. Hare added that his recollection was that the Ad Hoc group was never intended to be a long-term committee.

Sykes commented that being a new Councilor, all he keeps hearing about is the \$1.1 million that they've been mulling over for a year. He said he doesn't understand why there's so much fuss over such a small budget and wonders why they're still talking about this issue. Sykes would like to see the Ad Hoc Committee bring forward their recommendation and be done with it.

Konopa asked Council whether they would endorse the idea of a work group involving herself, the two Ward I Councilors, a couple of CARA Advisory Board members, and a couple of Landmarks Advisory Board members, formed to evaluate the future of the Main Street church and a potential new location for the Post Office. She'd like to evaluate whether the church can be revitalized on site, should be moved, or should even be saved. She'd also like to explore options for relocating the Post Office but doesn't want to approach them unless they've identified other sites that would work. There was general support for the workgroup. Konopa added that the workgroup would bring their findings back to Council for consideration.

Kopczynski asked for an update on the Waverly Duck. Konopa said it looks as though the Duck is salvageable.

CITY MANAGER REPORT

Hare advised the Council that he was contacted by the union president for the workers at the National Energy Technology Lab who are concerned about losing federal funding for their facility. They're looking for support from the City. Olsen stated that they've been a great resource for the community. Konopa agreed that they provide good paying jobs and said it's been a great facility in Albany. Coburn said that his former employer does a lot of work for them and has electricians there nearly all the time; that's just one example of how their presence trickles out into the community. Council agreed that they would like to do what they can to help.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

Holly Roten
Administrative Assistant I

Reviewed by,

Wes Hare
City Manager