



MINUTES

Monday, January 7, 2019

Work Session

Council Chambers, City Hall

Approved: February 13, 2019

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, Bill Coburn, Bessie Johnson, Alex Johnson, Dick Olsen, and Mike Sykes

Councilors absent: None

CITY COUNCIL PUBLIC RECORDS

4:04 p.m.

City Clerk Mary Dibble informed the Council that if they make notes to their agenda packets during the meeting, those notes must be retained for five years. The City provides iPads to Councilors, and they have been asked to make their notes electronically and save them to OneNote. If they make notes on paper, they should give those pages to the Clerk after each meeting.

Dibble also reminded the Councilors that they each have a City email address, and they should use it for all City business.

Konopa said she always notes motions and votes on her agenda. Using the iPad would slow the meeting. She asked if she needs to keep these notes, since motions and votes become part of the record. Dibble said yes. Konopa agreed she will continue to note motions and votes on paper and give the paper to the Clerk after each meeting.

Councilor Dick Olsen said he keeps his agendas, with his notes on them. If he turns in the agendas to the Clerk, will she copy them and give them back? Dibble said yes, but he would get the copies back, not the originals.

Konopa asked if Councilors could use a separate piece of paper for notes, and just turn that in? Dibble said yes.

Councilor Rich Kellum asked who is requiring this and why. Dibble said it is a requirement of the State of Oregon Archives. She said she has argued this requirement with the state without result. She will talk to staff and the City Attorney about how best to facilitate collecting notes and whether there's a way to accommodate Olsen's and Konopa's requests to keep their paper agenda packets. She will notify the Council of what she finds out.

PUBLIC PROCUREMENT OVERVIEW

4:17 p.m.

Purchasing Coordinator Diane Murzynski handed out a flow chart for the procurement process (see agenda file). She explained the state's requirements, including using qualified rehabilitation facilities or buying through a cooperative. When the City does buy on the open market, staff are encouraged to look at the local level first.

Kellum said it is entirely possible to configure product standards to effectively choose the vendor. Is there anything that keeps buyers from doing that? Murzynski said buyers are not allowed to limit their specifications but can specify "brand name or equivalent."

Councilor Alex Johnson asked if a minimum number of bidders is required. Murzynski said the City always hopes to get a competitive group of bidders, but that doesn't always happen. Requests for Qualifications require a minimum of three responses.

Kellum asked if anything limits manufacturers giving incentives to distributors to sell their product. It would be unlikely that the City buyer would know about this, but if language in the purchasing documents prohibited it, there would be recourse if it happened and was discovered. Murzynski said the practice is illegal and unethical, and purchasing law requires legal and ethical practices. Kellum asked if there was any language in the City's purchasing documents forbidding "incentives," "commissions," "rebates," or "finder's fees." He would like to see such language in our process. City Attorney Sean Kidd said he can meet with Kellum to discuss this.

Kellum asked if there is a way to break bids down so a local company that could not do all of a project would be able to bid on the part it could do. Murzynski said there are laws against fragmenting purchases. Often

successful bidders will subcontract part of the work. Sometimes a bidder who can do the whole job will be able to bid less than someone who can only do part of the job. Bids are awarded by cost alone.

Murzynski handed out a page on sourcing methods (see agenda file).

STRATEGIC PLAN REVIEW

4:40 p.m.

Deputy City Manager/Chief Information Officer Jorge Salinas summarized the changes to the goals and objectives in the Strategic Plan.

Kellum noted that the percentage of streets with pavement in fair condition or better increased dramatically in one year. Public Works Operations Director Chris Bailey said that only includes collectors and arterials. Public Works repaved Hill Street this year, which accounted for a large part of the increase in itself.

Konopa said the library's numbers are lower than projected and asked if that was due to e-readers. Salinas said they contribute to the difference. The library also had some problems with the system that tracks visits.

Councilor Bessie Johnson noted that the bus storage facility is to be relocated in 2022, but the fire training tower on the same property is scheduled to be finished in 2020. She asked if there would be problems getting buses in and out around the construction. City Manager Peter Troedsson said no problems are expected. The City is working with Greater Albany Public Schools for temporary use of their new bus barn, if it is built in time.

Councilor Mike Sykes asked if the Coffin Butte landfill's rate increase will affect the City's sludge-hauling costs. Bailey said probably. Sykes asked if the City is budgeting for that, and Bailey said yes, in the next biennium. Coffin Butte has been giving the City a small discount.

Councilor Bill Coburn noticed that the Goal 3 language for the Americans with Disabilities Act program says "ensure accessibility to all," but there are some City facilities that should not be accessible to the public. He asked if the language could be clarified. Salinas said he will modify the language to make it clear.

OUTSIDE AGENCY FUNDING REPORT

5:05 p.m.

Salinas reminded the Council that they had asked staff to look at the outside agency funding over the last five years. The current budget contains \$805,000 for external agencies and \$320,000 for internal recipients. Most of the money comes from Transient Lodging Tax (TLT). Some money is granted through Parks & Recreation and the Water Quality Control Service grant.

B. Johnson noticed on the table provided in the agenda packet that most grants have increased over the five-year period, but some haven't. Salinas said the TLT funding policy stipulates a 3% increase each year for selected programs. There is no such policy for the other funding sources.

Kellum asked if the 3% increase depends on increased TLT funds. Salinas said no. TLT-grant agencies receive an increase as long as the City can afford it. Kellum said he understands that outside agencies receive funding because they are helping the City in the community. He thinks the agencies receiving funds should bear some of the burden when funding drops. Salinas said the Council is able to change the TLT policy.

Parks & Recreation Director Ed Hodney explained that Parks & Recreation funding for outside agencies was frozen several years ago, when the City's revenues declined.

Konopa said the intention for the Monteith House was to put the grant money into a reserve fund for future repairs. She asked if that has happened. Salinas said yes. Half the grant funding is going into an equipment replacement fund and half is available for normal operations.

RECESS: The Council recessed at 5:16 p.m.

RECONVENE: The Council reconvened at 5:20 p.m.

CITIZEN ADVISORY GROUPS DISCUSSION

5:20 p.m.

Troedsson showed slides illustrating which City boards and commissions are required by law, and which would be eligible for consolidation (see agenda file). Once the required groups were removed from the list, two logical possibilities for consolidation were left: the Bicycle and Pedestrian Advisory Commission/Traffic Safety Commission, and the City Tree Commission/Parks & Recreation Commission.

Troedsson said the Council has three options: a) do one or both consolidations; b) accept the status quo; or c) come up with a different plan. Troedsson recommends the status quo for reasons on the slide, including that boards and commissions provide opportunities for community engagement and involvement. He talked to Transportation Systems Analyst Ron Irish about possibly combining the Bicycle and Pedestrian and Traffic

Safety groups. Irish said the two have different focuses. Traffic Safety makes objective decisions that balance safety, capacity, and delay across all transportation modes. The Bicycle and Pedestrian Advisory Commission is an advocacy group for bicycle and pedestrian issues. Combining the two would allow fewer citizens to be involved. It would also probably reduce the emphasis on advocating for bicyclists and pedestrians and could affect the balance the Traffic Safety Commission works toward.

Troedsson said the Council needs to review the charter for each advisory group. He suggested that the Council ask the advisory groups to review their own charters as well.

Kellum said the larger problem with the advisory groups is that most members are advocates for the same thing. It's a one-sided advocacy with no diversity of opinion. The problem is made worse because one person is making a lot of the appointments.

A. Johnson asked if the Council could be more thorough in making appointments. He suggested adding a way for the community to evaluate prospective participation and ensure that the group participation includes several viewpoints.

Konopa said it saves the Council time to have boards that are advocates for specific interests and who do that legwork for the Council. If advisory groups are too much split among opposing viewpoints, they won't be able to make decisions.

Sykes said all members of the Landmarks Advisory Commission are appointed by one person. He thinks Kellum is suggesting opening that up, so each Councilor appoints to each advisory group. Ward I has the most residents serving on City boards. Konopa said we did a lot of outreach this year to get people to apply, and a lot of people did. We always try to find a slot for everyone. She asked how many appointments are made by the Mayor. Management Assistant/Communications Officer Marilyn Smith said about half are, but all appointments are ratified by the Council.

A. Johnson asked if it would be appropriate for the Council to look at the current process and make recommendations. He would like the Council to come up with a process as a body, and then review it in a few years. Kellum suggested holding a work session on the subject. Konopa said the Council would need a policy to change the makeup of committees. She agrees that advisory groups should include people from all wards.

Troedsson said he plans to review and re-emphasize their charters with all of the advisory boards. It sounds like the Council would also like staff to look at how appointments are made. The Council agreed. Coburn suggested that each advisory group could have an appointment by each Councilor, which must be from their ward, and one by the Mayor.

The Council agreed by consensus to dedicate a work session to this topic.

BUSINESS FROM THE COUNCIL

5:55 p.m.

B. Johnson said that traveling in Washington State, she noticed that they like roundabouts, but don't sign them clearly.

Kellum gave an update on the Albany Development Code Amendments Task Force. He is confident that they will come up with a document that the Council will like overall.

Sykes is frustrated because some people who are not in compliance with the City codes get away with non-compliance, but others who are trying to comply are not allowed to do what they want to do.

A. Johnson thanked Troedsson and staff for a gracious welcome and for sharing information. He thanked outgoing Councilor Ray Kopczynski for being a mentor.

Olsen said he recently talked to a friend from Eugene about urban renewal. He is glad Albany put our 1970s urban renewal plan on hold and didn't tear down our downtown.

Coburn said he was asked about the downward-pointing arrow on the new wayfinding signs downtown. Do they mean "behind you?" Hodney said yes.

CITY MANAGER REPORT

6:04 p.m.

Troedsson said he thinks the requirement to retain Councilors' notes from meetings doesn't contribute to effective government. He suggested that the Council push back at the League of Oregon Cities' City Day. He doesn't think we should accept it. It makes no sense and gives government a bad name. Konopa agreed that the Council should advocate at the state level.

Troedsson asked City Attorney Sean Kidd to talk a little about the Accessory Dwelling Unit (ADU) discussion scheduled for the Wednesday, January 9, meeting. Kidd said the subject has been noticed as a report only, so

there is no expectation of making a decision. If the Council wants to vote on one of the ordinances that were the subject of the previous public hearing, they can't let the public comment, because they closed the public hearing. It would be cleanest to just discuss on Wednesday, and then advertise a public hearing and allow public participation.

B. Johnson asked if the proposed ordinances are exactly the same as before. She said the Council was expecting to receive a compromise ordinance. Kidd said staff has not received direction on what to bring back. The meeting was advertised with the intent of discussion only and to direct staff to bring back something to vote on. He explained the difference between a quasi-judicial hearing and a legislative hearing.

Kidd said the problem is that late last year we advertised a public hearing, opened it and heard testimony and closed it. The Council thought they then made a decision, but a procedural error nullified the decision. At the next meeting, we started the process at the point just after the public hearing was closed. If we now allowed new testimony and then made a decision, we would be taking testimony without allowing rebuttal. In order to have a new public hearing, we have to advertise it as a public hearing.

RECESS TO EXECUTIVE SESSION TO DISCUSS REAL PROPERTY TRANSACTIONS IN ACCORDANCE WITH ORS 192.660(2)(e) AND LABOR NEGOTIATIONS IN ACCORDANCE WITH ORS 192.660(2)(d).

The Council recessed to Executive Session at 6:14 p.m.

RECONVENE

The Council reconvened into Regular Session at 6:49 p.m.

MOTION: Coburn moved to extend the contract offer for Timber Ridge Parcel 3. Sykes seconded the motion, which passed 6-0.

MOTION: Coburn moved to move forward with implementation of the AFSCME general unit final offer. Sykes seconded the motion, which passed 6-0.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:51 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
Deputy City Clerk

Peter Troedsson
City Manager

Note: Staff handouts referred to in the minutes as (see agenda file) are available on the website in the "Staff Handouts" column.