



MINUTES

Wednesday, May 24, 2023
Meeting
Council Chambers, City Hall
Approved: June 14, 2023

Call to Order

6:07 p.m.

Mayor Alex Johnson II called the meeting to order at 6:07 p.m.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Steph Newton, Matilda Novak, Jackie Montague, Ray Kopczynski, Ramycia McGhee, and Marilyn Smith

Councilors absent: None

Proclamations

6:07 p.m.

- a. Older Americans Month
Johnson II read the proclamation.
- b. Military Appreciation Month
Councilor Ray Kopczynski read the proclamation.
- c. LGBTQ Pride Month
Councilor Steph Newton read the proclamation.
- d. Gun Violence Awareness Day
Councilor Marilyn Smith read the proclamation.

Special Presentations

6:13 p.m.

Historic Presentation Month Awards

Planner II Alyssa Schrems, Current Planning Manager David Martineau, and Johnson II presented the Historic Preservation month awards* to Mark & Tina Siegner, Matthew & Brianne Tedisch, James Hoffman, Tamalynne & Oscar Hult, the Cumberland Community Event Center, Varitone Architecture, Pyburn & Sons, and Scott Lepman & Candace Ribera.

Public Hearings

6:22 p.m.

- a. Withdrawal of annexed territory from the Tangent Rural Fire Protection District (AN-01-22, ZC-01-22)
Johnson II **opened the public hearing** at 6:23 p.m.

Staff Report

Current Planning Manager David Martineau informed councilors that the proposed ordinance was a correction to an annexation from last year. At the time of the annexation, council approved Ordinance 5980 withdrawing the annexed territory from the Albany Rural Fire Protection District. After review, staff realized that the annexed land was covered by the Tangent Rural Fire Protection District. The proposed ordinance would repeal Ordinance 5980 and withdraw the territory from the correct district.

Public Testimony

No one provided written materials, no one signed up to speak, and no one present wished to speak for this hearing.

Johnson II **closed the public hearing** at 6:25 p.m.

City Attorney Sean Kidd read the ordinance a first time in title only.

MOTION: Smith moved to read the ordinance a second time in title only. Kopczynski seconded the motion which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance as proposed. Councilor Jackie Montague seconded the motion which passed 6-0. The ordinance was designated Ordinance No. 6011.

b. Climate-friendly and Equitable Communities Parking Reform (CP-02-23, DC-02-23)

Johnson II **opened the public hearing** at 6:27 p.m.

Staff Report

Comprehensive Planning Manager Anne Catlin read the meeting procedures and presented a slideshow* about the Climate Friendly & Equitable Communities requirements this ordinance addresses. Catlin confirmed for Smith that the new ordinance would apply to new parking lots, though existing parking lots would be allowed to be redeveloped. Catlin answered questions from Johnson II about lighting standards, noting the ordinance does not change existing standards.

Public Testimony

No one provided written materials, no one signed up to speak, and no one present wished to speak for this hearing.

Catlin noted that staff sent council two replacement pages* before the meeting that would make small adjustments to the ordinance as proposed.

Johnson II **closed the public hearing** at 6:39 p.m.

MOTION: Montague moved to approve the ordinance. After a clarification of procedure, the motion died for lack of second.

Kidd read the ordinance a first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion which failed 5-1 with Councilor Matilda Novak voting no. A motion to read a second time in title only must be unanimous. This ordinance will return for an automatic second reading at the June 14, 2023, council meeting.

c. Adopt 2024-2028 Capital Improvement Program

Johnson II **opened the public hearing** at 6:41 p.m.

Staff Report

Jeff Babbitt, Public Works Business Manager, spoke about the Capital Improvement Program process.

Public Testimony

No one provided written materials, no one signed up to speak, and no one present wished to speak for this hearing.

Johnson II **closed the public hearing** at 6:42 p.m.

MOTION: Smith moved to adopt the 2024-2028 Capital Improvement Program by resolution. Councilor Ramycia McGhee seconded the motion which passed 6-0. The resolution was designated Resolution No. 7214.

d. Accept State Shared Revenues

Johnson II **opened the public hearing** at 6:44 p.m.

Staff Report

Finance Director Jeanna Yeager introduced the item and spoke about the procedure of obtaining state shared revenues.

Public Testimony

No one provided written materials, no one signed up to speak, and no one present wished to speak for this hearing.

Johnson II **closed the public hearing** at 6:45 p.m.

MOTION: Smith moved to adopt both resolutions related to state shared revenues. Novak seconded the motion which passed 6-0. The resolution declaring eligibility for state shared revenues was designated Resolution No. 7215 and the resolution electing to receive state shared revenues was designated Resolution No. 7216.

e. Adopt city of Albany 2023-2025 Budget

Johnson II **opened the public hearing** at 6:46 p.m.

Staff Report

City Manager Peter Troedsson introduced and spoke to the provisions of the proposed budget. Yeager said staff had slight changes to the budget as approved by the Budget Commission. Yeager noted the council received a list* of staff positions that had been approved by the council since the Budget Commission reviewed the budget. Yeager said those positions would be included in the budget and noted a \$20,000 difference in the resolution between Airport and Airport Capital Projects.

Public Testimony

Kevin Goodrich provided written materials* for this hearing in opposition to the budget as proposed.

Tom Cordier spoke in opposition to the budget as proposed.

Johnson II **closed the public hearing** at 6:52 p.m.

At Smith's request, Yeager responded to Goodrich's letter, noting why and where costs increased from the last budget.

Novak read aloud letters* from Rachel Watkins of the Phoenix Inn Suites in Albany and from former mayor Sharon Konopa. Both letters were related to increasing Transient Lodging Tax revenues spent on tourism. Novak asked councilors to support the letter's request of spending seventy percent of the Transient Lodging Tax monies on tourism related expenditures.

Troedsson responded to the letters, saying they contained inaccuracies, and spoke to the city's requirements for spending on tourism, noting that the city often spends around 70% on tourism annually even though the required percentage is 44.5%. Troedsson recommended council not set a higher percentage to be spent on tourism promotion. Novak, Troedsson, Yeager and McGhee discussed funding tourism promotion.

MOTION: Kopczynski moved to approve the 2023-2025 budget resolution. Smith seconded the motion which passed 4-2 with Novak and McGhee voting no. The resolution was designated Resolution No. 7217.

Business from the Public

7:23 p.m.

Sylvia Banks spoke about gun violence awareness and shared information about upcoming events. Banks requested a picture with the mayor and councilors.

Johnson II adjourned the meeting from 7:25 p.m. to 7:35 p.m. for photos and a break.

Tom Cordier spoke in opposition to the process the council uses for developing the city budget.

First Reading of Ordinance

7:41 p.m.

a. Amending Title 12 of Albany Municipal Code, Surface Water

7:41 p.m.

City Engineer Staci Belcastro shared the changes the ordinance would make to the municipal code and how the ordinance would bring the city into compliance with the National Pollutant Discharge Elimination System. Responding to a question from Novak, Belcastro said that this ordinance would not raise stormwater rates for consumers.

Kidd read the ordinance a first time in title only.

MOTION: Smith moved to read the ordinance a second time in title only. Montague seconded the motion which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Montague seconded the motion which passed 6-0. The ordinance was designated Ordinance No. 6012.

b. Amending Title 18 of Albany Municipal Code, Building Code administration

7:48 p.m.

Building Official Manager Johnathan Balkema offered to answer any questions on the ordinance.

Kidd read the ordinance a first time in title only.

MOTION: Smith moved to read the ordinance a second time in title only. Montague seconded the motion which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Montague moved to adopt the ordinance. Smith seconded the motion which passed 6-0. The ordinance was designated Ordinance No. 6013.

- c. Amending Title 13.21, regulations for Motor Vehicle Parking **7:51 p.m.**
Code Compliance Officer Kris Schendel spoke about how the ordinance would free up time of sworn police officers by allowing community resource officers to enforce yellow curb parking restrictions.

Kidd read the ordinance a first time in title only.

MOTION: Montague moved to read the ordinance a second time in title only. Smith seconded the motion which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Kopczynski seconded the motion which passed 6-0. The ordinance was designated Ordinance No. 6014.

- d. HB 3115 discussion **7:52 p.m.**
Schendel gave the council background on Oregon Legislature's 2021 HB 3115. Schendel said that, without changing the code and designing locations for individuals to lie, sit, or sleep, the city could not remove those sleeping, lying, or camping from public lands. Schendel said this would allow faith organizations to host up to four camps on their land.

Kidd, Schendel, and Novak spoke about the city's potential liability if a crime is committed because someone has been relocated to an area designated by the city manager under this ordinance. Kidd said that there cannot be barriers for someone to go to one of the designated areas, otherwise the city is back where it started. Kidd clarified that the designated locations can only be on city owned property.

Responding to a question from Johnson II, Kidd said the city is currently looking at only designating one location at a time, though they may rotate locations.

Newton spoke about the court case *Martin v. Boise*, noting that it instigated the changes brought about by 2021 HB 3115 and this proposed ordinance. Kopczynski voiced support for the ordinance. Novak said she believes everyone should have a roof over their head and she would like downtown business owners to have equal rights and safety.

Police Chief Marcia Harnden spoke about the importance of passing the ordinance.

Schendel responded to questions from Newton, Montague, Johnson II, and McGhee. Schendel said that the ordinance as proposed does not have time restrictions on it, stating that staff believed it would be better to keep the locations available at all hours. He said that having people in one location could increase the number of unhoused counted in the annual Point in Time count. Schendel said

there will be restroom, handwashing, and fire extinguishing services provided at the designated location to promote sanitation. Schendel also said there will not be a maximum number of people allowed at the site, only the physical constraints of the designated space.

Kidd read the ordinance a first time in title only.

MOTION: Smith moved to read the ordinance a second time in title only. Montague seconded the motion which passed 6-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Montague seconded the motion which passed 6-0. The ordinance was designated Ordinance No. 6015.

Johnson II asked that councilors be given an opportunity to tour the designated location.

Award of Contracts

8:15 p.m.

- a. Exempt playground equipment for Lehigh Park from competitive bidding **8:15 p.m.**
Parks and Recreation Director Kim Lyddane spoke about the scope of the Lehigh Park project.

MOTION: Smith moved to adopt the resolution. Kopczynski seconded the motion which passed 6-0. The resolution was designated Resolution No. 7218.

- b. Special procurement for Cla-Val Company pressure control equipment and services **8:17 p.m.**
Water Superintendent Scott LaRoque gave an overview of the contract and items in the agreement.

MOTION: Smith moved to adopt the resolution. Kopczynski seconded the motion which passed 6-0. The resolution was designated Resolution No. 7219.

- c. Award of contract for leased copiers **8:18 p.m.**
Information Technology Director Sean Park introduced the agenda item.

MOTION: McGhee moved to adopt the resolution. Montague seconded the motion which passed 6-0. The Resolution was designated Resolution No. 7220.

Adoption of consent agenda

8:21 p.m.

- a. Appointments
1) Accepting Christopher Hughbanks' resignation from the Transportation Advisory Commission
2) Appointing Debbie Origer to the Airport Advisory Commission
- b. Approval of minutes
1) April 6, 2023, joint CIP work session minutes
- c. Grant application
1) Apply for ODOT Carbon Reduction Program Grant for an all-electric street sweeper
- d. Award of bid
1) Exemption from competitive bidding for a special event security trailer **RES NO. 7221**

MOTION: Newton moved to adopt the consent agenda as written. McGhee seconded the motion which passed 6-0.

Staff Report

8:21 p.m.

a. Reclassification of position for IT

Park spoke about the need for the position to be reclassified and noted retention issues with the position as currently defined. Responding to a question from Novak, Park said the reclassification would be an increase in about fifteen percent of salaries and benefits which can be absorbed by the department's budget.

MOTION: Montague moved to approve the reclassification of the position. Smith seconded the motion which passed 6-0.

b. Application to the United States Department of Transportation Changing and Fueling Infrastructure Grant Program

8:23 p.m.

Public Works Director/Interim Deputy City Manager Chris Bailey spoke about the need for swift action to apply for the grant, and why this item was added in a supplemental agenda.

Responding to a question from Kopczynski, Baily said that the grant would require the charging stations be operational for a certain percentage of time. She continued that the city would need to contract to maintain the stations if they are on public property or have an agreement with owners on private property to maintain the chargers. A request for proposal put out by the city could require proven reliability.

Newton voiced support for the grant. Novak said she does not want the city to spend the matching money on this project and did not support the grant. Newton and Novak spoke about the United States electric grids. McGhee voiced support for pursuing grants.

MOTION: Newton moved to direct staff to apply for the grant. Smith seconded the motion which passed 5-1 with Novak voting no.

Business from the council

8:31 p.m.

Novak read aloud a note from a constituent about fees and costs to community members. Novak read aloud a letter to the editor she wrote to the *Albany Democrat-Herald*.

McGhee spoke about the "cultural day" event at West Albany High School.

Newton asked staff to forward an email about a podcast she is recommending to councilors. Newton asked Novak to clarify remarks made in Novak's letter to the editor that Newton said could be considered antisemitic. Novak clarified her remarks.

Smith, Troedsson, and Yeager discussed the increasing prevalence of sole-source procurements versus open bid procurements.

City manager report

8:45 p.m.

Troedsson spoke about council's direction to fly the pride flag and offered an alternative* to having the pride flag flown on the city's flagpole. The flag would rather be displayed in a window in city hall. Troedsson recommended that the council approve a flag policy and not fly any non-governmental or ceremonial flags until the flag policy was in place.

MOTION: Smith moved to direct staff to develop a flag policy. Novak seconded the motion which passed 6-0.

MOTION: Montague moved to display the pride flag beginning on June 1, 2023, as shown in the graphic presented to council. McGhee seconded the motion which passed 5-0. Novak abstained from the vote and left the meeting at 8:54 p.m. to not register a vote on the motion.

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd
Deputy City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@cityofalbany.net.*