

DECEMBER 17, 2008, CITY COUNCIL MEETING NOTES



CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, December 17, 2008
7:15 p.m.

AGENDA

OUR MISSION IS

*"Providing quality public services
for a better Albany community."*

OUR VISION IS

*"A vital and diversified community
that promotes a high quality of life,
great neighborhoods, balanced
economic growth, and quality public
services."*

Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the hearing.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
Councilor Olsen attended by speaker phone. He was unable to continue and left the meeting at 7:35 p.m.
4. SCHEDULED BUSINESS

a. Legislative Public Hearing

- 1) DC-03-08/HI-11-08, amending Albany Development Code to add 78 additional properties to the Monteith National Register Historic District. [Pages 1-14]

Action: Motion to have the ordinance read a second time in title only passed 6-0. Motion to adopt the ordinance passed 6-0. ORD. NO. 5707

b. Final Decision

- 1) SD-07-07, Fabian Estates, LUBA remand of City approval of a Subdivision Tentative Plat that would divide a 4.52-acre parcel of land into 11 residential single-family lots. [Pages 15-25]

Action: Motion to approve with conditions, the Subdivision Tentative Plat that will divide a 4.52-acre parcel of land into 11 residential single-family lots (Fabian Estates). This City Council approval is an affirmation of the Council's December 12, 2007, decision to approve that was appealed to LUBA and remanded to the City (LUBA No. 2007-262). The motion is based on the staff report dated November 5, 2008, the Supplemental Findings dated December 10, 2008, testimony presented at the public hearings, and the amending motion. The motion included the additional finding that, "there is evidence in the record that the area along the existing drainage way located along the west boundary of the Fabian Estates property is an important area of vegetation and wildlife habitat and therefore that an additional condition be included as follows: Prior to construction of the approved storm drainage system, the developer of the Fabian Estates subdivision must submit to the City's Public Works Department documentation of the existing ground elevations, trees, and other vegetation in the area of proposed storm drainage construction. The area must be restored to the pre-construction condition after construction of the storm drainage system. The conditions to be documented and restored are limited to ground elevations, trees, and other vegetation. All trees in the construction zone must be protected except for those trees approved to be removed by a Site Plan review and tree felling application. The motion was amended to make clear that "trees" as referred to in the conditions references only trees over 8" in diameter. Following the amendment the main motion was passed 5-0.

- 2) Amending the fee schedule for certain building division fees. [Pages 26-53]

Action: Motion to adopt the resolution amending the fee schedule for certain building division fees and repealing Resolution No. 4534, passed 4-1, with Reid voting no. RES. NO. 5715

c. Business from the Public

Michael Quinn suggested the Council redefine the Municipal Code definition of a City of Albany resident as it pertains to Commissions.

Mark Azevedo wished the Council luck with the upcoming year.

d. First Reading of Ordinances

1) Amending Albany Municipal Code Title 10.06 to comply with federal regulations regarding the industrial pretreatment program and declaring an emergency. [Pages 54-82]

Action: Motion to have the ordinance read a second time in title only passed 5-0. Motion to adopt the ordinance passed 5-0. ORD. NO. 5708

2) Repealing Ordinance No. 5424, Albany Municipal Code Chapter 5.14 concerning taxicabs; and declaring an emergency. [Pages 83-94]

Action: Council consensus to have the ordinance come to a Council Work Session for a report and review. ORD. NO. _____

e. Adoption of Resolutions

1) Adopting City of Albany Financial policies. [Pages 95-99]

Action: This item postponed to a joint meeting with the Budget Committee on January 26, 2009 RES. NO. _____

2) Responding to Comcast's notice and authorizing the City Manager to commence franchise renewal negotiations with Comcast. [Pages 100-101]

Action: Motion to adopt the resolution responding to Comcast's notice and authorizing the City Manager to commence franchise renewal negotiations with Comcast passed 5-0. RES. NO. 5716

f. Adoption of Consent Calendar

1) Approval of Minutes

a) November 12, 2008, City Council Meeting [Pages 102-108]

2) Authorizing the City of Albany Parks & Recreation Department to apply for an NRPA Achieve Healthy Communities Grant from the National Recreation and Park Association. [Pages 109-110]

RES. NO. 5717

3) Authorizing the City of Albany Parks & Recreation Department to apply for a Recreation Trails Program Grant. [Pages 111-112]

RES. NO. 5718

4) Initiating the vacation of Willamette Avenue NE. [Pages 113-114]

5) Authorizing the Fire Department to accept \$11,859 from the 2008 State Homeland Security Grant Program. [Pages 115-116]

RES. NO. 5719

6) Authorizing the Fire Department to accept \$91,155 from the 2008 State Homeland Security Grant Program. [Pages 117-118]

RES. NO. 5720

Action: Motion to adopt the Consent Calendar as presented passed 5-0.

5. BUSINESS FROM THE COUNCIL

Council to consider a policy for a "Visiting Councilor."

Councilor request for a discussion regarding a "Hearings Officer" to be scheduled.

Council to receive financial policies, financial trends, and five-year forecast at the January 26, 2009, Joint Work Session with the Budget Committee.

Council and staff thanked Mayor Dan Bedore for his term of office and encouraged him to continue to participate in City governance.

6. RECESS TO EXECUTIVE SESSION TO DISCUSS CURRENT LITIGATION OR LITIGATION LIKELY TO BE FILED IN ACCORDANCE WITH ORS 192.660 (h)

7. RECONVENE

8. NEXT MEETING DATE: Work Session January 12, 2009

Regular Session January 14, 2009

9. ADJOURNMENT

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling (541) 917-7500.
