



Revised

NOTICE OF PUBLIC MEETING
CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, August 26, 2015
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 Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
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 meeting.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. SCHEDULED BUSINESS

a. Communication

- 1) Accepting Mary Reed’s resignation from the Bicycle & Pedestrian Advisory Commission. [Page 3]

Action: _____

b. Legislative Public Hearing

- 1) CP-01-15, Amending the Transportation System Plan (TSP) to remove portions of Timber Ridge Avenue and Somerset streets from the TSP project list (projects L15 & L19), and install traffic signals at the Knox Butte/Clover Ridge Road intersection and the Knox Butte/Goldfish Farm Road intersection. [Pages 4-29]

Action: _____ ORD. NO. _____

c. Business from the Public

d. Adoption of Resolution

- 1) Supporting the designation of Albany, Oregon, as a Flag City U.S.A. [Page 30]

Action: _____ RES. NO. _____

e. Adoption of Consent Calendar

1) Approval of Minutes

- a) July 8, 2015, Regular Session minutes. [Pages 32-39]
- b) July 20, 2015, Work Session minutes. [Pages 40-42]
- c) July 22, 2015, Regular Session minutes. [Pages 43-43]

- 2) Approving the full on-premises sales, change ownership liquor license application for Brick & Mortar Café, LLC, d/b/a Brick & Mortar Café, located at 222 First Avenue W. [Page 47]

- 3) Approving the full on-premises sales, change location liquor license application for Novak’s Hungarian Restaurant, Inc., d/b/a Novak’s Hungarian Restaurant, located at 208 Second Avenue SW. [Available Wednesday]

- 4) Approving the full on-premises sales, new outlet liquor license application for Holly M. Evans-White and Greg A. Burt, d/b/a Cellar Cat, 211 First Avenue W, Suite 102. [Available Wednesday]

Action: _____

f. Award of Bid

- 1) WL-15-01, Davidson Street Water Line. [Pages 48-51]

Action: _____

g. Approval of Contract Amendment/Increase

- 1) Engineering services contract amendment for Murray Smith & Associates, Inc. for W-12-02, Albany-Millersburg Water Treatment Plant sand removal project. [Page 52]

Action: _____

h. Report

- 1) Discussion of changes to Albany Municipal Code (AMC) Chapter 2.96, One Percent for Art. [Pages 53-55]

Action: _____

5. BUSINESS FROM THE COUNCIL

- a. Resolution supporting a \$25 million bond measure to replace the Benton County Jail. [verbal]

6. NEXT MEETING DATE: Work Session: ~~September 7, 2015~~ **canceled, Labor Day observed**
September 21, 2015

Regular Session: September 9, 2015

7. ADJOURNMENT

Hyde, Laura

From: Irish, Ron
Sent: Friday, August 14, 2015 2:07 PM
To: EXTERNAL - Read, Mary
Cc: Hyde, Laura; Mann, Irene
Subject: RE: commission

Hi Mary,

Thank you for letting us know that you won't be able to continue on in the Bike/Ped Commission. It was a pleasure having you there, and I'm sure the rest of the Commission will be sorry to hear that you had to step down.

Ron Irish
Transportation Systems Analyst
City of Albany
(541) 917-7656

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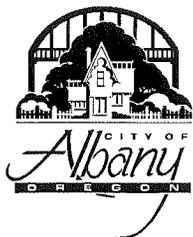
-----Original Message-----

From: Mary Reed [<mailto:donmar1953@yahoo.com>]
Sent: Friday, August 14, 2015 12:49 PM
To: Irish, Ron
Subject: commission

Hi Ron,
Due to family obligations I need to resign from the Commission effective Aug. 15, 2015. I will let the Albany fitwalkers know, and see if any one can apply for the position.

thank you
Mary Reed

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TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Melissa Anderson, Project Planner *MA*

DATE: August 19, 2015 for the August 26, 2015, City Council Meeting

SUBJECT: Public Hearing (Planning File CP-01-15)

RELATES TO STRATEGIC PLAN THEME: • Great Neighborhoods

Action Requested:

Staff recommends Council approve the proposed Comprehensive Plan text amendment to the Transportation System Plan as presented in the attached Ordinance.

Discussion:

This evening the City Council is holding a public hearing to consider a legislative Comprehensive Plan Text Amendment to the Transportation System Plan (TSP) as presented in the attached Ordinance (Attachment 1). The proposal removes portions of Timber Ridge Avenue and Somerset Streets from the TSP project list, and adds traffic signals at the Knox Butte Road/Clover Ridge Road and Knox Butte Road/Goldfish Farm Road intersections. Amendments also include changes to the project funding list related to these proposed changes.

The City of Albany TSP was last adopted in its entirety by the City Council in 2010, as a supporting document to the Comprehensive Plan. Since that time, the TSP was updated in 2012 with the concurrent adoption of the South Albany Area Plan. The current proposal amends the TSP to address changes that have occurred since the 2012 TSP update. The amendments are necessary to address new information regarding the anticipated timing of bridge reconstruction on Clover Ridge Road across Truax Creek, and the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue. The criteria for amending the Comprehensive Plan are found in Albany Development Code (ADC) 2.220. These criteria are addressed in detail in the staff report, which is provided as Attachment 2.

The Planning Commission held a public hearing regarding the proposal on July 20, 2015. The Planning Commission found the proposed Comprehensive Plan text amendment to the TSP to be consistent with the Albany Development Code review criteria for a Comprehensive Plan amendment. Based on those findings, the Planning Commission unanimously voted to recommend that the City Council approve the proposed amendment.

Upon deliberation after the Public Hearing, Council may make any necessary modifications to the proposed amendments and take action on the attached Ordinance.

Budget Impact:

None

MA:rk
Attachments (2)

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN TEXT OF THE TRANSPORTATION SYSTEM PLAN, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Planning Commission held a public hearing on July 20, 2015, and considered public testimony on the proposed Comprehensive Plan text amendment to the Transportation System Plan (TSP), and recommended approval based on evidence presented in the Staff Report presented at the public hearing for City of Albany Planning File CP-01-15; and

WHEREAS, the proposed TSP amendments are discussed in detail in the Staff Report, and the specific text amendments are presented as Exhibits A through E of this Ordinance; and

WHEREAS, the Albany City Council held a public hearing on the proposal on August 26, 2015, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings of Fact and Conclusions included in the Staff Report are hereby adopted in support of this decision.

Section 2: Project L15, Timber Ridge Road north of Somerset Avenue, attached as Ordinance Exhibit A, is hereby amended.

Section 3: Project L19, Somerset Avenue east of Timber Ridge Road, attached as Ordinance Exhibit B, is hereby amended.

Section 4: Project I143, a new intersection project to construct a traffic signal at the Clover Ridge Road/Knox Butte Road intersection, attached as Ordinance Exhibit C, is hereby added.

Section 5: Project I144, a new intersection project to construct a traffic signal at the Goldfish Farm Road/Knox Butte Road intersection, attached as Ordinance Exhibit D, is hereby added.

Section 6: The project funding list of the TSP, attached as Ordinance Exhibit E, is hereby amended.

Section 7: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

EXHIBIT A

Albany TSP
February 2010 June 2015

Project #: 6497.0
Page 74

Project #: L15		New North/South Collector			
Description: A new collector north/south from Somerset Avenue south to Clover Ridge Road at the northern urban growth boundary to US 20 (Santiam). Bicycle and pedestrian only traffic on Clover Ridge Road across Truax Creek. Right of way has been dedicated for the section from Somerset to Burkhart Creek. The construction of I33 and a portion of L15 and L19 (ST-08-04) during the summers of 2009-2010 has been financially assured by the creation of a Local Improvement District (LID). Project cost assumes ROW will be dedicated.					
Category: New Road or Alignment		Classification: Major Collector		Agency Coordination:	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$7,497,000 \$6,210,260	\$0	\$0	\$7,497,000 \$6,210,260	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L14, L16, L19, L23, L24, L56, I33		
Illustrative Section:					

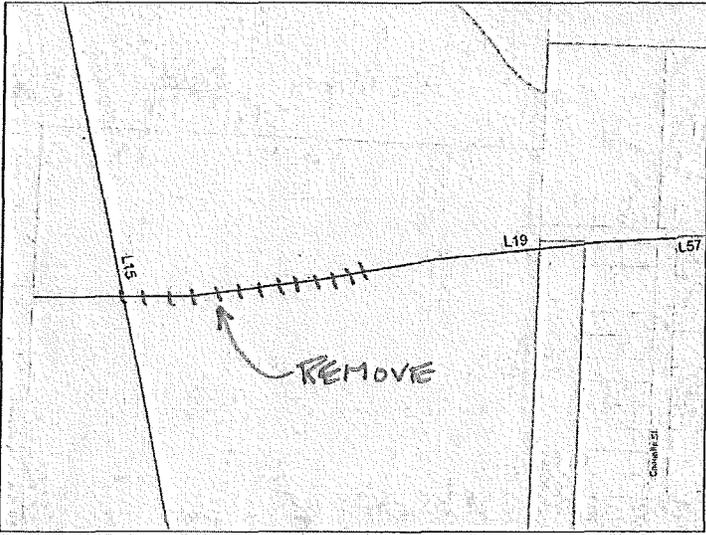
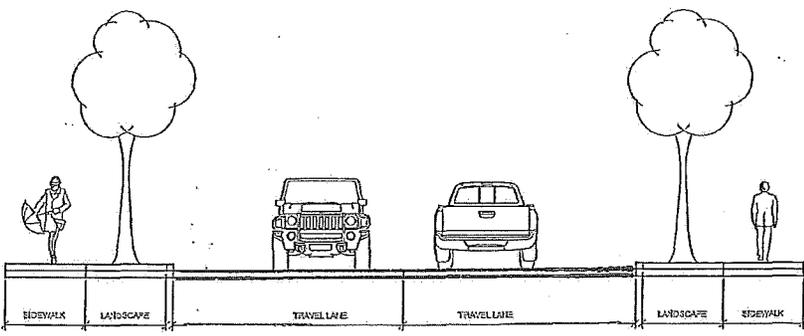
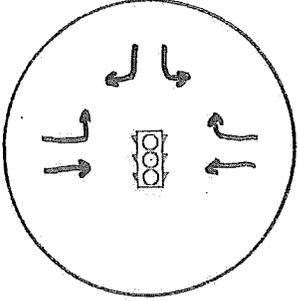
Project #: L19		Somerset Avenue Extension			
Description: Extends Somerset Drive west from L15, and from a wetland east to connect with Santa Maria Avenue. The construction of I33 and a portion of L15 and L19 (ST-08-04) during the summers of 2009-2010 has been financially assured by the creation of a Local Improvement District (LID). Project cost assumes ROW will be dedicated.					
Category: New Road or Alignment		Classification: Minor Collector		Agency Coordination:	
				Time Frame: Long-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$1,653,000 \$865,600	\$0	\$0	\$1,653,000- \$865,600	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L15, L20, L57		
					
Illustrative Section:					
					

EXHIBIT C

Project #: 6497.0

Albany TSP
June 2015

Project #: I43		Knox Butte Road/Clover Ridge Road			
Description: Develop a traffic signal once warrants are met.					
Category: Traffic Signal		Classification: Principal Arterial / Minor Collector		Agency Coordination: None	
				Time Frame: Long-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$350,000	\$0	\$0	\$350,000	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location: L21, L22			Related Projects:		
					
Illustrative Section:					
					

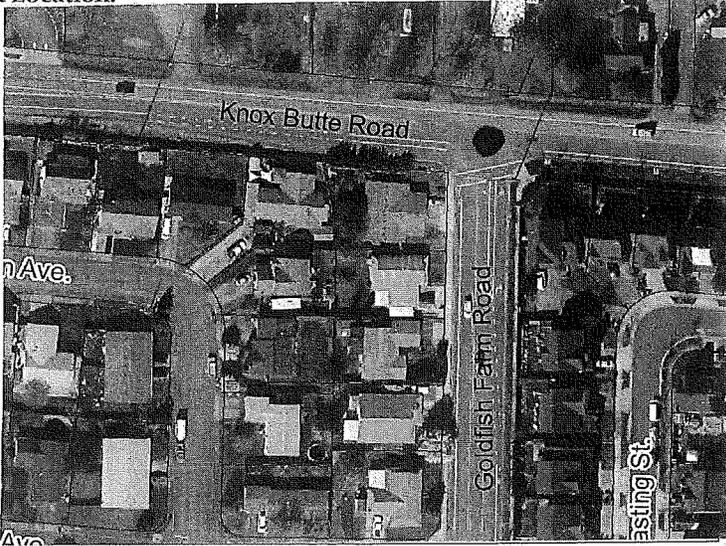
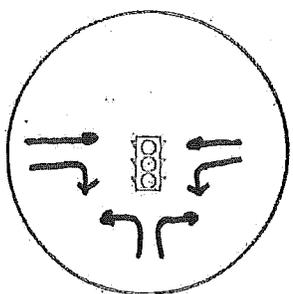
Project #: I44		Knox Butte Road/Goldfish Farm Road			
Description: Develop a traffic signal once warrants are met.					
Category: Traffic Signal		Classification: Principal Arterial / Minor Collector		Agency Coordination: None	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$350,000	\$0	\$0	\$350,000	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L21, L22		
					
Illustrative Section:					
					

EXHIBIT E.1

TSDCi Eligible & Funded Projects – with 2015 proposed modifications

Costs are based on the *Engineering News Record* (ENR) Construction Cost Index (Seattle) in February 2010 of 8647.

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
B1	14th Avenue	short	100%	\$2,000	\$2,000
B2	Waverly Drive	short	100%	\$5,000	\$5,000
B3	Hill Street	long/dev	100%	\$743,000	\$743,000
B4	24th Avenue	short	100%	\$5,000	\$5,000
B5	Jackson Street	short	100%	\$674,000	\$674,000
B6	Center Street	short	100%	\$6,000	\$6,000
B7	US 20, North Albany	long/dev	100%	\$31,000	\$31,000
B8	1st Avenue	long/dev	100%	\$43,000	\$43,000
B9	2nd Avenue	long/dev	100%	\$43,000	\$43,000
B10	Madison Street/7th Avenue	long/dev	100%	\$40,000	\$40,000
B11	7th Avenue	long/dev	100%	\$95,000	\$95,000
B12	Takena	long/dev	100%	\$53,000	\$53,000
B13	Liberty/Lakewood	long/dev	100%	\$76,000	\$76,000
B14	12th Avenue (West)	mid	100%	\$32,000	\$32,000
B15	Bain Street	long/dev	100%	\$49,000	\$49,000
B16	South Shore Drive	long/dev	100%	\$33,000	\$33,000
B17	Shortridge Street	long/dev	100%	\$27,000	\$27,000
B18	24th Avenue	long/dev	100%	\$44,000	\$44,000
B19	38th Avenue and 39th Avenue	mid	100%	\$106,000	\$106,000
B20	Lyon Street	short	100%	\$2,000	\$2,000
B21	Ellsworth Street	short	100%	\$4,000	\$4,000
I1	Main Street/Salem Avenue/3rd Avenue	short	100%	\$1,088,000	\$1,088,000
I2	Main Street/Santiam Avenue/4th Avenue	short	69%	\$255,000	\$175,950
I3	14th Avenue/Heritage Mall Access	short	100%	\$41,000	\$41,000
I4	14th Avenue/Clay Street	short	100%	\$10,000	\$10,000
I5	Waverly Avenue/14th Avenue	short	100%	\$41,000	\$41,000
I6	Waverly Avenue/Queen Avenue	long/dev	100%	\$72,000	\$72,000
I7	Waverly Avenue/Grand Prairie	long/dev	100%	\$175,000	\$175,000
I8	US 20/North Albany Road	short	13%	\$40,000	\$5,200
I9	US 20/Springhill Drive	short	23%	\$14,000	\$3,220
I10	Knox Butte/Century Drive	short	0%	\$345,000	\$0
I11	34th Avenue/Marion Street	mid	100%	\$345,000	\$345,000
I12	US 20 (Lyon Street)/2nd Avenue	mid	16%	\$23,000	\$3,680
I13	US 20/Clay Street	mid	20%	\$185,000	\$37,000
I14	OR 99E/34th Avenue	long/dev	32%	\$192,000	\$61,440
I15	34th Avenue/Hill Street	long/dev	100%	\$350,000	\$350,000
I16	Ellingson Road/Columbus Street	long/dev	100%	\$500,000	\$500,000
I17	Waverly Avenue/14th Avenue	long/dev	100%	\$77,000	\$77,000
I18	Queen Avenue/Geary Street	long/dev	100%	\$1,901,000	\$1,901,000
I19	Waverly Avenue/34th Avenue	long/dev	100%	\$42,000	\$42,000
I20	US 20 (Ellsworth Street)/1st Avenue	mid	22%	\$18,000	\$3,960
I21	US 20 (Lyon Street)/1st Avenue	mid	23%	\$11,000	\$2,530
I22	US 20 (Lyon Street)/1st Avenue	mid	23%	\$10,000	\$2,300
I23	US 20 (Ellsworth Street)/2nd Avenue	mid	23%	\$17,000	\$3,910
I24	OR 99E/Waverly Avenue	long/dev	27%	\$959,000	\$258,930

EXHIBIT E.2

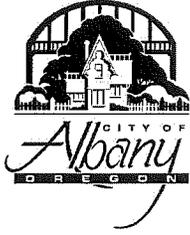
1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
I25	US 20/Waverly Drive	long/dev	29%	\$853,000	\$247,370
I26	US 20/Waverly Drive	long/dev	29%	\$240,000	\$69,600
I27	OR 99E/Queen Avenue	long/dev	26%	\$894,000	\$232,440
I28	OR 99E/34th Avenue	long/dev	32%	\$456,000	\$145,920
I29	OR 99E/Killdeer Avenue	long/dev	28%	\$3,207,000	\$897,960
I30	US 20/Timber Street	long/dev	44%	\$571,000	\$251,240
I31	US 20/Timber Street	long/dev	44%	\$619,000	\$272,360
I33	Knox Butte/New North/South Collector	long/dev	100%	\$525,000	\$525,000
I34	Springhill Dr./Hickory St.	long/dev	100%	\$345,000	\$345,000
I35	Gibson Hill Rd/Crocker Ln	mid	100%	\$345,000	\$345,000
I36	Timber St Extension/18th Ave/Spicer Dr ROW	short	100%	\$650,000	\$650,000
I36	Timber Str. Extension/18th Ave/Spicer Dr	long/dev	100%	\$863,000	\$863,000
I37	OR 99E / 29th Ave	long/dev	28%	\$106,000	\$29,680
I38	Salem Avenue/Geary Street	long/dev	28%	\$845,000	\$236,600
I39	OR 99E/Lyon Street	long/dev	16%	\$205,000	\$32,800
I40	OR 99E/53rd Avenue	long/dev	38%	\$550,000	\$209,000
I41	Ellingson Road / Lochner Road	long/dev	100%	\$500,000	\$500,000
I42	53 rd Avenue Extension / Industrial Property Access	long/dev	100%	\$500,000	\$500,000
I-43	Clover Ridge Road / Knox Butte	long/dev	100%	\$350,000	\$350,000
I-44	Goldfish Farm Road / Knox Butte	long/dev	100%	\$350,000	\$350,000
L1	53rd Avenue Extension	long/dev	54%	\$18,600,000	\$10,044,100
L2	Waverly Drive	long/dev	36%	\$1,394,000	\$501,840
L3	Washington/Calapooia/1st/2nd	short	42%	\$100,000	\$42,000
L4	Timber Street Extension ROW	short	100%	\$966,000	\$966,000
L4	Timber Street Extension	long/dev	100%	\$2,708,000	\$2,708,000
L5	Main Street - 7th Avenue - Hill Street	mid	64%	\$1,292,000	\$826,880
L6	North Albany Road	mid	29%	\$5,847,000	\$1,695,630
L6	North Albany Road ROW	short	100%	\$19,000	\$19,000
L9	Queen Avenue	long/dev	12%	\$0	\$0
L10	New North Albany Connector <i>Funding is for 15% construction west of Crocker (\$145/lf) and 40% construction east of Crocker</i>	long/dev	100%	\$5,818,000	\$5,818,000
L11	Spicer Drive Extension (West of Timber St.)	long/dev	100%	\$982,000	\$982,000
L12	Spicer Drive Extension (East of Timber St.)	long/dev	100%	\$1,666,000	\$1,666,000
L13	Goldfish Farm Road Extension	long/dev	100%	\$1,013,000	\$1,013,000
L14	Dogwood Avenue Extension	long/dev	100%	\$3,294,000	\$3,294,000
L15	New North/South Collector – LID Knox Butte to Somerset	short	100%	\$2,548,000	\$2,548,000
L15	New North/South Collector – Knox Butte to US 20 (Santiam)	long/dev	100%	\$4,949,000 \$3,662,260	\$4,949,000 \$3,662,260
L16	New East/West Collector	long/dev	100%	\$3,723,000	\$3,723,000
L17	Expo Parkway Extension (south of Dunlap)	long/dev	100%	\$996,000	\$996,000
L18	Timber St Extension to Somerset Avenue	long/dev	100%	\$1,720,000	\$1,720,000
L19	Somerset Avenue Extension - LID	short	100%	\$383,000	\$383,000
L19	Somerset Avenue Extension – wetlands to Charlotte	long/dev	100%	\$1,270,000 \$482,600	\$1,270,000 \$482,600
L20	Santa Maria Avenue Extension	long/dev	100%	\$1,872,000	\$1,872,000
L21	Knox Butte Road Widening ROW	short	100%	\$1,478,000	\$1,478,000
L21	Knox Butte Road Widening	long/dev	60%	\$3,169,000	\$1,901,000

EXHIBIT E.3

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
L22	Knox Butte Road Widening ROW	short	100%	\$31,000	\$31,000
L22	Knox Butte Road Widening	long/dev	56%	\$825,000	\$462,000
L23	Knox Butte Road Widening	long/dev	52%	\$1,256,000	\$653,120
L24	Knox Butte Road Widening	long/dev	47%	\$7,688,000	\$3,613,360
L25	Dunlap Avenue Extension	long/dev	100%	\$1,045,000	\$1,045,000
L26	Springhill Road Widening	long/dev	61%	\$3,406,000	\$2,077,660
L27	US 20 Widening	long/dev	18%	\$8,351,000	\$1,503,180
L28	Ellingson Road Extension	long/dev	61%	\$5,740,000	\$3,501,400
L30	Oak Street	short	100%	\$2,130,000	\$2,130,000
L31	Fescue Street to Three Lakes Road Connector	long/dev	100%	\$886,000	\$886,000
L32	Fescue Street Extension	long/dev	100%	\$3,054,000	\$3,054,000
L33	Three Lakes Road Realignment ROW	short	59%	\$750,000	\$442,500
L33	Three Lakes Road Realignment	long/dev	59%	\$1,868,000	\$1,102,120
L34	Looney Lane Extension	long/dev	100%	\$914,000	\$914,000
L35	Albany Avenue Widening	long/dev	26%	\$1,177,000	\$306,020
L36	W Thornton Lk Dr, N Albany Rd & N Alb Middle School	long/dev	11%	\$565,000	\$62,150
L37	Springhill Drive	long/dev	18%	\$4,158,000	\$748,440
L38	Scenic Drive	long/dev	10%	\$6,842,000	\$684,200
L39	Century Drive	long/dev	52%	\$3,199,000	\$1,663,480
L40	Gibson Hill Road	long/dev	6%	\$3,816,000	\$228,960
L41	Skyline Drive	long/dev	0%	\$1,523,000	\$0
L42-a	Crocker Lane North (LID)	short	30%	\$1,721,020	\$516,306
L42-b	Crocker Lane South	long/dev	30%	\$2,807,980	\$842,394
L43	Valley View Drive	long/dev	40%	\$3,695,000	\$1,478,000
L44	West Thornton Lake Drive	long/dev	11%	\$6,097,000	\$670,670
L45	Allen Lane	long/dev	56%	\$2,689,000	\$1,505,840
L46	Columbus Street	long/dev	49%	\$4,549,000	\$2,229,010
L47	Grand Prairie Road	long/dev	53%	\$2,260,000	\$1,197,800
L48	Spicer Drive	long/dev	32%	\$868,000	\$277,760
L49	Scravel Hill Road	long/dev	21%	\$9,699,000	\$2,036,790
L50	Quarry Road	long/dev	21%	\$3,493,000	\$733,530
L51	Spicer Road	long/dev	54%	\$676,000	\$365,040
L52	Goldfish Farm Road	long/dev	82%	\$4,444,000	\$3,644,080
L53	Ellingson Road <i>Funding is for 24ft of right-of-way (3 to 5 lanes) at \$6/s.f. and 25% construction</i>	long/dev	49%	\$5,847,000	\$2,865,030
L54-a	Lochner Road – North	short	44%	\$3,721,500	\$1,637,460
L54-b	Lochner Road - South	long/dev	44%	\$4,548,500	\$2,001,340
L55	Three Lakes Road ROW	short	42%	\$287,000	\$120,540
L55	Three Lakes Road	long/dev	42%	\$4,569,000	\$1,918,980
L56	US 20 - East of I-5	long/dev	44%	\$2,068,000	\$909,920
L57	Santa Maria Avenue	long/dev	91%	\$694,000	\$631,540
L58	Oak Street	short	65%	\$2,186,645	\$1,421,550
L59	Water Avenue	short	50%	\$4,070,000	\$2,035,000
L60	US 20 Superelevation and Widening	long/dev	22%	\$3,122,000	\$686,840
L61	Three Lakes Road	long/dev	0%	\$1,879,000	\$0
L62	Oak Creek Parkway <i>Funding is for 25% construction west of Columbus</i>	long/dev	100%	\$16,456,000	\$16,456,000
M1	Queen/Geary Periwinkle Path	short	70%	\$46,000	\$32,200

EXHIBIT E.4

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
M2-a	Oak Creek Loop Trail (south of Oak Creek)	long/dev	70%	\$2,680,000	\$1,876,000
M2-b	Oak Creek Loop Trail (north of Oak Creek)	long/dev	70%	\$1,787,000	\$1,250,900
M2-c	Oak Creek Crossing Trails	long/dev	70%	\$838,000	\$586,600
M3	West Timber-Linn Trail	mid	70%	\$161,000	\$112,700
M4	South Waterfront Trail	mid	70%	\$76,000	\$53,200
M5	Albany-Corvallis Multiuse Path	mid	70%	\$1,477,000	\$1,033,900
M6	Albany-Corvallis Multiuse Path	long/dev	70%	\$761,000	\$532,700
M7	East Timber-Linn Trail	long/dev	70%	\$277,000	\$193,900
M8	Bain Street/Waverly Lake Trail	long/dev	70%	\$153,000	\$107,100
M9	Lebanon Trail	long/dev	70%	\$581,000	\$406,700
M10	Periwinkle Trail Extension	long/dev	70%	\$1,528,000	\$1,069,600
M11	East Albany Willamette River Bridge	long/dev	70%	\$7,657,000	\$5,359,900
M12	99E/Oak Creek	long/dev	70%	\$129,000	\$90,300
M13	US 20/99E Undercrossing	long/dev	70%	\$1,500,000	\$1,050,000
P1	Springhill Drive	mid	70%	\$542,000	\$379,400
P2	99E/24th Avenue	long/dev	70%	\$129,000	\$90,300
P3	Oregon 99E: Burkhart to Waverly	long/dev	70%	\$129,000	\$90,300
P4	Ferry Street	long/dev	70%	\$725,000	\$507,500
P5	Columbus Street	long/dev	70%	\$277,000	\$193,900
P6	Geary Street	long/dev	70%	\$791,000	\$553,700
P7	Airport Road	long/dev	70%	\$485,000	\$339,500
P8	Killdeer Street	long/dev	70%	\$174,000	\$121,800
P9	Waverly Drive	long/dev	70%	\$88,000	\$61,600
P10	Albany-Santiam Canal Pedestrian Esplanade	long/dev	70%	\$1,232,000	\$862,400
P11	Thurston Street Canal Pedestrian Esplanade	long/dev	70%	\$1,863,000	\$1,304,100
P12	Gibson Hill Road	short	70%	\$1,034,000	\$723,800
S1	ADA Accessibility Audit	short	0%	\$25,000	\$0
S2	Hwy 20 Corridor & Downtown Refinement Plan	short	100%	\$250,000	\$250,000
S3	Safety Audit	short	0%	\$30,000	\$0
S4	OR 99E Speed Study	short	0%	\$0	\$0
S5	Downtown STA	short	0%	\$0	\$0
S6	Albany TSP MPO Update	mid	32%	\$350,000	\$112,000
S7	Major Corridors	long/dev	0%	\$0	\$0
S8	Wayfinding	long/dev	0%	\$25,000	\$0
S9	Interstate 5 / OR 99E / Knox Butte	long/dev	100%	\$100,000	\$100,000
S10	Interstate 5 / US 20 (Santiam)	long/dev	100%	\$100,000	\$100,000
T1	ADA Accessibility Projects	mid	70%	\$430,000	\$301,000
TOTALS				\$267 M	\$155 M
				\$266 M	\$154 M



Community Development Department

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STAFF REPORT

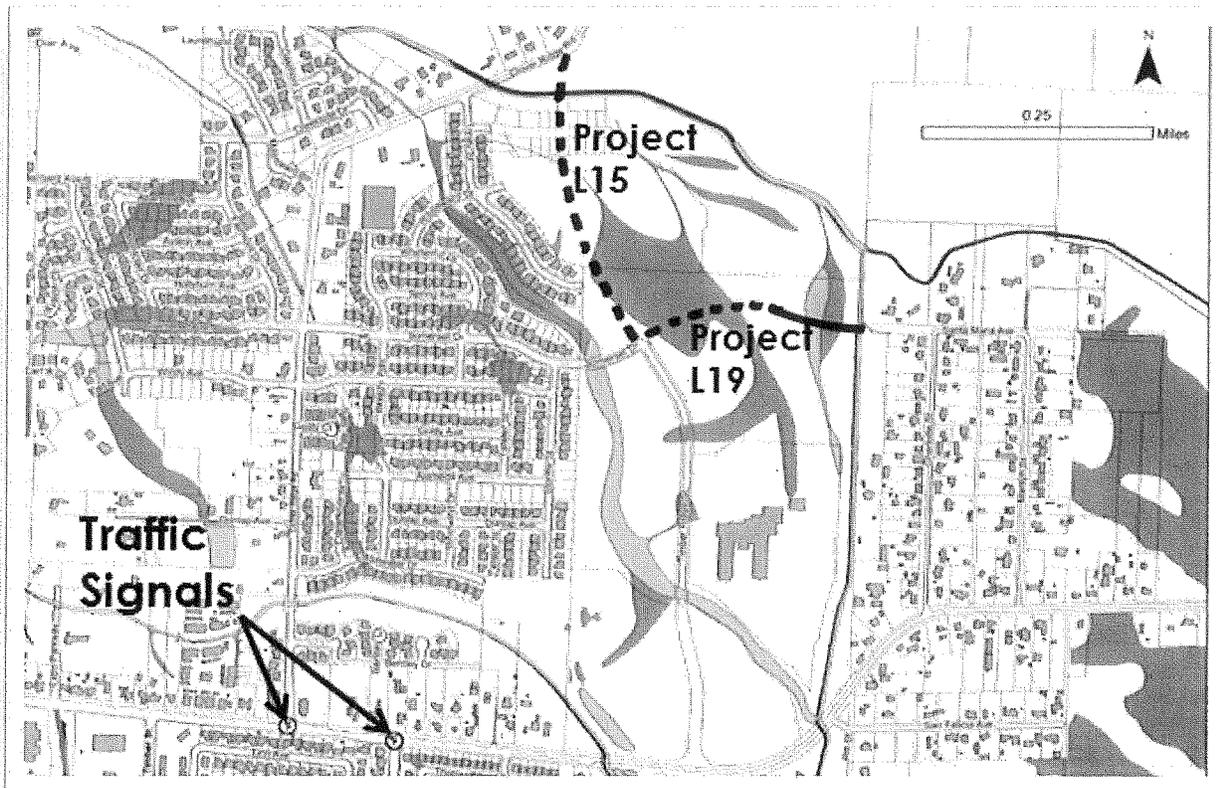
Comprehensive Plan Text Amendment to the Transportation System Plan

HEARING BODY:	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE:	Monday, July 20, 2015	Wednesday, August 26, 2015
HEARING TIME:	5:15 p.m.	7:15 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

SUMMARY

The proposal is a legislative Comprehensive Plan Text Amendment to the Transportation System Plan (TSP) to remove portions of Timber Ridge Avenue and Somerset Streets from the TSP project list (projects L15 & L19), and install traffic signals at the Knox Butte Road/Clover Ridge Road intersection and the Knox Butte Road/Goldfish Farm Road intersection (as illustrated below). Amendments also include changes to the project funding list related to these proposed changes.

The City of Albany TSP was last adopted in its entirety by the City Council in 2010, as a supporting document to the Comprehensive Plan. Since that time, the TSP was updated in 2012 with the concurrent adoption of the South Albany Area Plan. The proposal amends the TSP to address changes that have occurred since the last TSP update. New information is available concerning the anticipated timing of bridge reconstruction on Clover Ridge Road across Truax Creek, and the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue. The proposed amendments are recommended to meet changing conditions and new information regarding the noted bridge reconstruction.



GENERAL INFORMATION

DATE OF REPORT: July 9, 2015
FILE: CP-01-15
TYPE OF REQUEST: Legislative, Type IV Decision: Comprehensive Plan Text Amendment to the TSP, to remove portions of Timber Ridge Avenue and Somerset Streets from the project list, and install traffic signals at the Knox Butte Road/Clover Ridge Road intersection and at the Knox Butte Road/Goldfish Farm Road intersection. Amendments also include changes to the project funding list related to these proposed changes.
REVIEW BODIES: Planning Commission and City Council
APPLICANT: City of Albany, Community Development Department
STAFF: Melissa Anderson, Project Planner; and Ron Irish, Transportation Analyst

NOTICE INFORMATION AND PROCESS SUMMARY

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on June 15, 2015, at least 35 days before the first evidentiary hearing on July 20, 2015, in accordance with Oregon Administrative Rule (OAR) OAR 660-018-0020 and the Albany Development Code (ADC) 1.640.

Intergovernmental project review notice was also provided on June 10, 2015, to various agencies, including Greater Albany Public Schools, Linn County Planning, Linn County Road Department, Linn County 911, and the Oregon Department of Transportation.

Notice of the public hearing before the Planning Commission and the City Council was published in the *Albany Democrat-Herald* on July 8, 2015, at least one week before the FIRST public hearing on July 20, 2015, in accordance with ADC 1.600. In addition, the staff report for the proposed TSP amendment was posted on the City's website on July 13, 2015, at least seven days before the first evidentiary public hearing.

As of the date of this report, no comments have been received by the Community Development Department.

APPEALS

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

STAFF ANALYSIS

Comprehensive Plan Text Amendment to the Transportation System Plan

The Albany Development Code includes the following review criteria that must be met for this legislative text amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

ADC 2.220: Amendments to the Comprehensive Plan will be approved if the Council finds that the application meets the following applicable criteria:

Criterion 1: A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.

FINDINGS OF FACT

- 1.1 The City of Albany Transportation System Plan (TSP) was prepared by the City of Albany and consultants Kittelson and Associates, Inc., and adopted in its entirety as a supporting document to the Comprehensive Plan by the City Council in February, 2010 (Ordinance 5729 and as amended by Ordinance 5753). Since that time, the TSP was updated in 2012 with the concurrent adoption of the South Albany Area Plan (Ordinance 5801).
- 1.2 The proposal is a Comprehensive Plan Text Amendment to the TSP to address changes that have occurred since the last TSP update. New information is available concerning the anticipated timing of bridge reconstruction on Clover Ridge Road across Truax Creek, and the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue.
- 1.3 The proposed amendments include removal of portions of Timber Ridge Avenue and Somerset Streets from the project list, and the addition of traffic signals at the Knox Butte Road/Clover Ridge Road intersection and the Knox Butte Road/Goldfish Farm Road intersection. The project funding list for these and other projects is also updated to reflect these proposed amendments.
- 1.4 The content of the TSP is guided by Oregon Revised Statute (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) Oregon Administrative Rule (OAR), known as the Transportation Planning Rule (TPR, OAR 660-012). Appendix A of the 2010 TSP references the ORS and OARs that apply and explains how the Albany TSP complies with the applicable state law and rules. The 2010 TSP and subsequent amendment in 2012 have both been acknowledged by DLCD.

The following Comprehensive Plan goals and policies identified in *bold italics* are relevant in considering the ability of the proposed amendments to satisfy applicable ADC review criteria. They are organized by Statewide Planning Goals.

Goal 1 Citizen Involvement: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process. Policies include involving the public in the evaluation and update of the Plan and seek input from citizens, agencies and interested parties, and ensuring information is made available to the public.

FINDINGS OF FACT:

- 1.5 The proposed TSP amendment is a Type IV legislative land use decision, which is processed in accordance with ADC 1.58-1.660. The City's Development Code requires that notice be published in the Albany Democrat-Herald at least one week before the hearing and additionally as may be required by state law. Notice of the public hearing before the Planning Commission and the City Council was published in the Albany Democrat-Herald on July 8, 2015, at least one week before the first public hearing on July 20, 2015. In addition, the staff report for the proposed TSP amendment was posted on the City's website July 13, 2015, at least seven days before the first evidentiary public hearing.
- 1.6 Oregon Administrative Rule (OAR) OAR 660-018-0020 and the ADC 1.640 require notice be provided to the Oregon Department of Land Conservation and Development (DLCD) at least 35 days before the first evidentiary hearing of a post-acknowledgement Comprehensive Plan amendment. Notice was provided to DLCD on June 15, 2015, at least 35 days before the first evidentiary hearing on July 20, 2015.
- 1.7 The first public hearing on the application is required to be held before the Planning Commission. Interested persons may comment during the hearing or submit written comments in advance. At the conclusion of the public hearing the Planning Commission prepared a recommendation that was forwarded to the City Council.

- 1.8 A second public hearing is held before the City Council. Interested persons may comment during the hearing or submit written comments in advance of a decision. At the conclusion of the public hearing, the City Council made a decision regarding the proposed Amendments.

Goal 12, Transportation:

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

Goal 3: Provide a transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Goal 4: Provide a transportation system that balances financial resources with community livability and economic vitality.

Policy 2) Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.

Policy 3) Identify and remedy unsafe intersection and roadway locations with known safety issues and ensure the multi-modal transportation system is structurally and operationally safe.

Policy 4) Minimize conflicts along high volume and/or high speed corridors.

- 1.9 The purpose of this TSP update is to address changes that have occurred since the last TSP update. New information is available concerning the anticipated timing of bridge reconstruction on Clover Ridge Road across Truax Creek, and the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue.

- 1.10 The proposed TSP update would modify the TSP project list as follows:

- a. Eliminate the portion of project L15 (Timber Ridge Road) north of Somerset Avenue (Attachment B).
- b. Eliminate a portion of project L19 (Somerset Avenue) just east of Timber Ridge Road (Attachment C).
- c. Add a new intersection project to construct a traffic signal at the Clover Ridge Road/Knox Butte Road intersection (Attachment D).
- d. Add a new intersection project to construct a traffic signal at the Goldfish Farm/Knox Butte Road intersection (Attachment E).
- e. Revise the project funding list to reflect changes in the projects listed above (Attachment F).

- 1.11 The existing bridge on Clover Ridge Road is under County jurisdiction, is in poor condition, and is in danger of being weight restricted. The 2012 TSP included an assumption (project L15) that the existing bridge would be replaced by a new bridge located to the east, along an extension of Timber Ridge Road; Timber Ridge Road would be extended north across Albany's Urban Growth Boundary (UGB) and would reconnect to Clover Ridge Road at a new intersection located outside the UGB, in Linn County. The construction of the new intersection and street segment north of the UGB would be a County project, and would involve road construction and right of way acquisition within Exclusive Farm Use (EFU) designated farmland (Attachment B).

- 1.12 The condition of the existing bridge is such that Linn County is now moving forward with plans to reconstruct it in place. Once that occurs there will be no need or justification for Linn County to consider construction of a second bridge and new road alignment that would occur north of the UGB within EFU land.

- 1.13 The decision to replace the existing bridge in place changes the need for TSP project L15 (Attachment B). The primary function of the portion of that project north of Somerset Avenue is to connect a new collector street to a new bridge location. Retaining the existing bridge makes the street connection and new bridge

unnecessary.

- 1.14 An additional consequence of the decision to replace the bridge in place will be higher traffic volumes on Clover Ridge Road at the TSP's horizon year of 2030. Trips to and from the area north of the UGB would occur on Clover Ridge Road instead of Timber Ridge Road.
- 1.15 The increase in projected trips on Clover Ridge Road would eventually result in the need to construct a traffic signal at the Clover Ridge Road/Knox Butte Road intersection. The TSP does not currently identify the need for a traffic signal at that location.
- 1.16 New information is available concerning the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue. The wetland is larger than previously thought and would be impacted by TSP projects L15 (Timber Ridge Road extension) and L19 (Somerset Avenue extension).
- 1.17 Project L15 as currently envisioned by the TSP would need to cross and impact a significant amount of wetlands. Elimination of the north section of project L15 as discussed above would prevent street intrusion into the wetlands while maintaining an interconnected arterial, collector, and local road system.
- 1.18 Project L19 as currently envisioned by the TSP would extend Somerset Avenue to connect Timber Ridge Road with Santa Maria Avenue (Attachment C). The majority of that road alignment would occur over and impact wetlands. The primary benefit of the road connection is to provide a connection between the Draperville neighborhood and Timber Ridge Elementary school. Elimination of a portion of Somerset Avenue would allow for a local street connection between the neighborhood and the school and a reduction in impacts to the wetland.
- 1.19 The elimination of the portion of Somerset Avenue just east of Timber Ridge Road would have some impact on traffic volumes on Santa Maria Avenue and Charlotte Street to the east. If the proposed TSP amendments are adopted, traffic volumes on Santa Maria and Charlotte are expected to drop by a small amount when compared to current TSP projections. The reason for the decrease is that the local street connections that would remain are more circuitous and less direct than the collector street connection currently envisioned by the TSP. Staff's estimate for traffic volume changes that would result from the TSP amendments are shown on Attachment G.
- 1.20 Increasing development in the area will also increase traffic volumes on Goldfish Farm Road and could result in the need for construction of a traffic signal prior to 2030, the horizon year of the TSP.

CONCLUSIONS

- 1.1 The proposal is a Comprehensive Plan Text Amendment to the Transportation System Plan to address changes that have occurred since the last TSP update.
- 1.2 Goal 1, Citizen Involvement. Citizen involvement was solicited through public noticing procedures, and citizen input was encouraged through the public hearing process prior to a final decision on the proposed legislative amendment.
- 1.3 Goal 12, Transportation. Amendments to the 2010 Albany TSP are recommended to ensure adequate transportation facilities will be provided to accommodate long-term growth.
- 1.4 The proposals are consistent with applicable transportation policies, two through four, by ensuring multimodal transportation facilities will be safe and intersections will operate safely, especially along high volume corridors.
- 1.5 This review criterion is met.

Criterion 2: A legislative amendment is needed to meet changing conditions or new laws.

FINDINGS OF FACT

- 2.1 The most recent version of the TSP was adopted in 2012, concurrent with the adoption of the South Albany Area Plan.
- 2.2 Since the adoption of the TSP in 2012, new information is available concerning the timing of bridge reconstruction on Clover Ridge Road across Truax Creek, and the extent of jurisdictional wetlands located north and east of the intersection of Timber Ridge Road and Somerset Avenue.
- 2.3 Addressing the changed conditions will require modification of TSP projects L15 (Timber Ridge Road extension; Attachment B) and L19 (Somerset Avenue extension; Attachment C).

CONCLUSIONS

- 2.1 The TSP amendment is proposed to plan for change and development to ensure adequate infrastructure and facilities are accommodated and to meet existing laws, while reducing impacts to protected wetlands.
- 2.2 This criterion is met.

OVERALL CONCLUSION

The proposed Comprehensive Plan Text Amendment to the Transportation System Plan meets all of the applicable review criteria as outlined in this report.

ATTACHMENTS

- A. Summary of proposed amendments to the Transportation System Plan
- B. Proposed amendment to Project L15
- C. Proposed amendment to Project L19
- D. Proposed amendment to Project I143
- E. Proposed amendment to Project I144
- F. Proposed amendment to the TSDCi Eligible and Funded Projects List
- G. Estimated traffic volume changes

PROPOSED AMENDMENTS TO THE TRANSPORTION SYSTEM PLAN

DESCRIPTION:

The proposal is a Comprehensive Plan Text Amendment to the Transportation System Plan. The amendments will remove portions of Timber Ridge Avenue and Somerset Streets from the project list, and add construction of a traffic signal at the Knox Butte Road/Clover Ridge Road intersection and at the Knox Butte Road/Goldfish Farm Road intersection. These amendments are described in more detail below.

The attached exhibits include modified project descriptions and modified funded projects list in **bold** and ~~strike~~.

TSP Project L15: Timber Ridge

The amendment removes the north portion of Timber Ridge Road (between Clover Ridge Road and Somerset Avenue) from the TSP project list. The reasons for the removal include recent identification and mapping of a large wetland, and the current urgent need to reconstruct the Clover Ridge Road Bridge over Truax Creek in place.

TSP Project L19: Somerset Avenue

The amendment removes the section of Somerset Road between Timber Ridge Road and a large wetland to the east from the TSP project list. The reason for the removal is to avoid impacts to the wetlands.

TSP Project I43: Knox Butte Road/Clover Ridge Road Intersection

The amendment would add construction of a traffic signal at the Knox Butte Road/Clover Ridge Road intersection. The traffic signal will be needed prior to year 2030 to accommodate the additional traffic expected on Clover Ridge Road that will result from eliminating the northern section of Project L15 as described above.

TSP Project I44: Knox Butte Road/Goldfish Farm Road Intersection

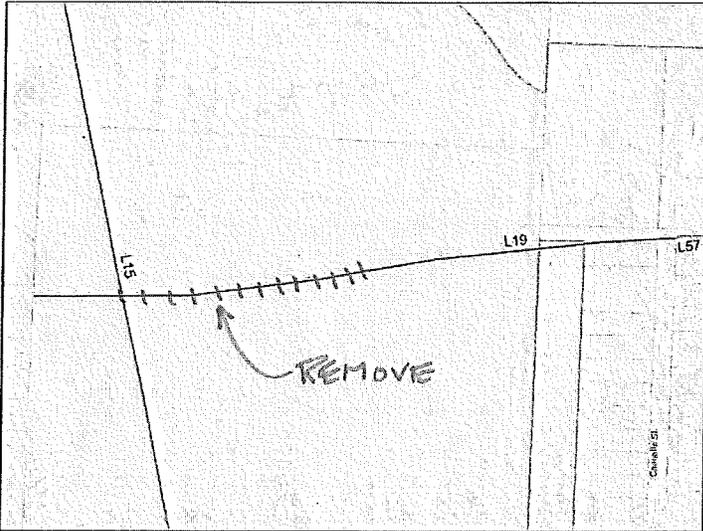
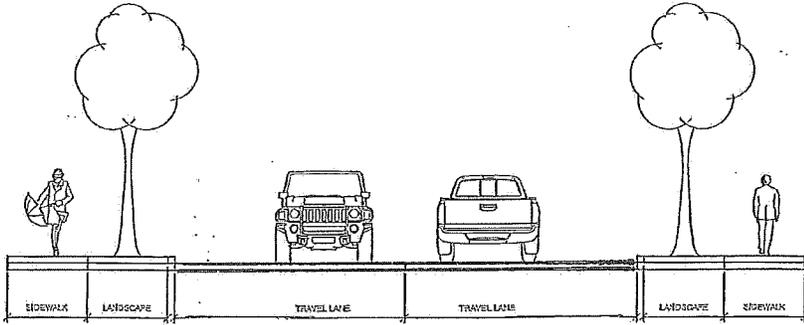
The amendment would add construction of a traffic signal at the Knox Butte Road/Goldfish Farm Road intersection. The traffic signal will be needed prior to year 2030 to accommodate the increasing development in the area which in turn would increase traffic volumens on Goldfish Farm Road.

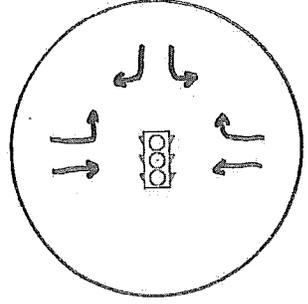
ATTACHMENT B

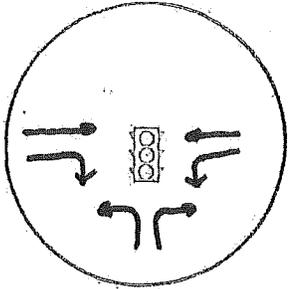
Albany TSP
February 2010 June 2015

Project #: 6497.0
Page 74

Project #: L15		New North/South Collector			
<p>Description: A new collector north/south from Somerset Avenue south to Clover Ridge Road at the northern urban growth boundary to US 20 (Santiam). Bicycle and pedestrian only traffic on Clover Ridge Road across Truax Creek. Right-of-way has been dedicated for the section from Somerset to Burkhart Creek. The construction of I33 and a portion of L15 and L19 (ST-08-04) during the summers of 2009-2010 has been financially assured by the creation of a Local Improvement District (LID). Project cost assumes ROW will be dedicated.</p>					
Category: New Road or Alignment		Classification: Major Collector		Agency Coordination:	Time Frame: Long-term
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$7,497,000 \$6,210,260	\$0	\$0	\$7,497,000 \$6,210,260	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L14, L16, L19, L23, L24, L56, I33		
Illustrative Section:					

Project #: L19		Somerset Avenue Extension			
Description: Extends Somerset Drive west from L15, and from a wetland east to connect with Santa Maria Avenue. The construction of I33 and a portion of L15 and L19 (ST-08-04) during the summers of 2009-2010 has been financially assured by the creation of a Local Improvement District (LID). Project cost assumes ROW will be dedicated.					
Category: New Road or Alignment		Classification: Minor Collector		Agency Coordination:	
				Time Frame: Long-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$1,653,000 \$865,600	\$0	\$0	\$1,653,000 \$865,600	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input checked="" type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L15, L20, L57		
					
Illustrative Section:					
					

Project #: I43		Knox Butte Road/Clover Ridge Road			
Description: Develop a traffic signal once warrants are met.					
Category: Traffic Signal		Classification: Principal Arterial / Minor Collector		Agency Coordination: None	
				Time Frame: Long-term	
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$350,000	\$0	\$0	\$350,000	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location: L21, L22			Related Projects:		
					
Illustrative Section:					
					

Project #: I44		Knox Butte Road/Goldfish Farm Road			
Description: Develop a traffic signal once warrants are met.					
Category: Traffic Signal		Classification: Principal Arterial / Minor Collector		Agency Coordination: None	
Time Frame: Long-term					
Project Costs:	Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
	\$350,000	\$0	\$0	\$350,000	100%
Project Goals Met:					
Efficiency <input checked="" type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>
Project Location:			Related Projects: L21, L22		
					
Illustrative Section:					
					

ATTACHMENT F.1

TSDCi Eligible & Funded Projects – with 2015 proposed modifications

Costs are based on the *Engineering News Record* (ENR) Construction Cost Index (Seattle) in February 2010 of 8647.

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
B1	14th Avenue	short	100%	\$2,000	\$2,000
B2	Waverly Drive	short	100%	\$5,000	\$5,000
B3	Hill Street	long/dev	100%	\$743,000	\$743,000
B4	24th Avenue	short	100%	\$5,000	\$5,000
B5	Jackson Street	short	100%	\$674,000	\$674,000
B6	Center Street	short	100%	\$6,000	\$6,000
B7	US 20, North Albany	long/dev	100%	\$31,000	\$31,000
B8	1st Avenue	long/dev	100%	\$43,000	\$43,000
B9	2nd Avenue	long/dev	100%	\$43,000	\$43,000
B10	Madison Street/7th Avenue	long/dev	100%	\$40,000	\$40,000
B11	7th Avenue	long/dev	100%	\$95,000	\$95,000
B12	Takena	long/dev	100%	\$53,000	\$53,000
B13	Liberty/Lakewood	long/dev	100%	\$76,000	\$76,000
B14	12th Avenue (West)	mid	100%	\$32,000	\$32,000
B15	Bain Street	long/dev	100%	\$49,000	\$49,000
B16	South Shore Drive	long/dev	100%	\$33,000	\$33,000
B17	Shortridge Street	long/dev	100%	\$27,000	\$27,000
B18	24th Avenue	long/dev	100%	\$44,000	\$44,000
B19	38th Avenue and 39th Avenue	mid	100%	\$106,000	\$106,000
B20	Lyon Street	short	100%	\$2,000	\$2,000
B21	Ellsworth Street	short	100%	\$4,000	\$4,000
I1	Main Street/Salem Avenue/3rd Avenue	short	100%	\$1,088,000	\$1,088,000
I2	Main Street/Santiam Avenue/4th Avenue	short	69%	\$255,000	\$175,950
I3	14th Avenue/Heritage Mall Access	short	100%	\$41,000	\$41,000
I4	14th Avenue/Clay Street	short	100%	\$10,000	\$10,000
I5	Waverly Avenue/14th Avenue	short	100%	\$41,000	\$41,000
I6	Waverly Avenue/Queen Avenue	long/dev	100%	\$72,000	\$72,000
I7	Waverly Avenue/Grand Prairie	long/dev	100%	\$175,000	\$175,000
I8	US 20/North Albany Road	short	13%	\$40,000	\$5,200
I9	US 20/Springhill Drive	short	23%	\$14,000	\$3,220
I10	Knox Butte/Century Drive	short	0%	\$345,000	\$0
I11	34th Avenue/Marion Street	mid	100%	\$345,000	\$345,000
I12	US 20 (Lyon Street)/2nd Avenue	mid	16%	\$23,000	\$3,680
I13	US 20/Clay Street	mid	20%	\$185,000	\$37,000
I14	OR 99E/34th Avenue	long/dev	32%	\$192,000	\$61,440
I15	34th Avenue/Hill Street	long/dev	100%	\$350,000	\$350,000
I16	Ellingson Road/Columbus Street	long/dev	100%	\$500,000	\$500,000
I17	Waverly Avenue/14th Avenue	long/dev	100%	\$77,000	\$77,000
I18	Queen Avenue/Geary Street	long/dev	100%	\$1,901,000	\$1,901,000
I19	Waverly Avenue/34th Avenue	long/dev	100%	\$42,000	\$42,000
I20	US 20 (Ellsworth Street)/1st Avenue	mid	22%	\$18,000	\$3,960
I21	US 20 (Lyon Street)/1st Avenue	mid	23%	\$11,000	\$2,530
I22	US 20 (Lyon Street)/1st Avenue	mid	23%	\$10,000	\$2,300
I23	US 20 (Ellsworth Street)/2nd Avenue	mid	23%	\$17,000	\$3,910
I24	OR 99E/Waverly Avenue	long/dev	27%	\$959,000	\$258,930

ATTACHMENT F.2

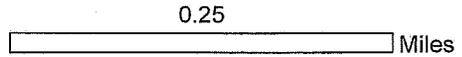
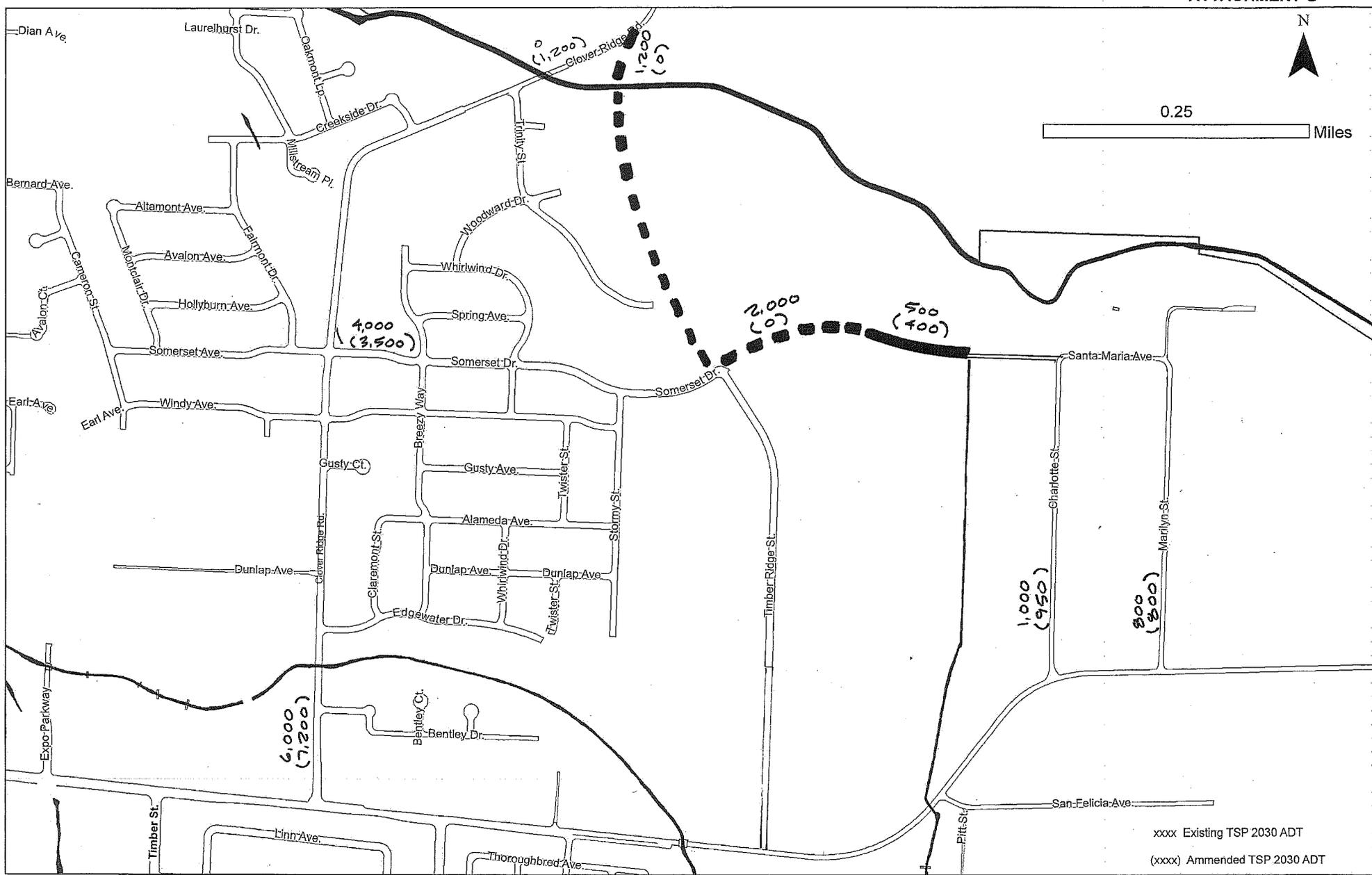
1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
I25	US 20/Waverly Drive	long/dev	29%	\$853,000	\$247,370
I26	US 20/Waverly Drive	long/dev	29%	\$240,000	\$69,600
I27	OR 99E/Queen Avenue	long/dev	26%	\$894,000	\$232,440
I28	OR 99E/34th Avenue	long/dev	32%	\$456,000	\$145,920
I29	OR 99E/Killdeer Avenue	long/dev	28%	\$3,207,000	\$897,960
I30	US 20/Timber Street	long/dev	44%	\$571,000	\$251,240
I31	US 20/Timber Street	long/dev	44%	\$619,000	\$272,360
I33	Knox Butte/New North/South Collector	long/dev	100%	\$525,000	\$525,000
I34	Springhill Dr./Hickory St.	long/dev	100%	\$345,000	\$345,000
I35	Gibson Hill Rd/Crocker Ln	mid	100%	\$345,000	\$345,000
I36	Timber St Extension/18th Ave/Spicer Dr ROW	short	100%	\$650,000	\$650,000
I36	Timber Str. Extension/18th Ave/Spicer Dr	long/dev	100%	\$863,000	\$863,000
I37	OR 99E / 29th Ave	long/dev	28%	\$106,000	\$29,680
I38	Salem Avenue/Geary Street	long/dev	28%	\$845,000	\$236,600
I39	OR 99E/Lyon Street	long/dev	16%	\$205,000	\$32,800
I40	OR 99E/53rd Avenue	long/dev	38%	\$550,000	\$209,000
I41	Ellingson Road / Lochner Road	long/dev	100%	\$500,000	\$500,000
I42	53 rd Avenue Extension / Industrial Property Access	long/dev	100%	\$500,000	\$500,000
I-43	Clover Ridge Road / Knox Butte	long/dev	100%	\$350,000	\$350,000
I-44	Goldfish Farm Road / Knox Butte	long/dev	100%	\$350,000	\$350,000
L1	53rd Avenue Extension	long/dev	54%	\$18,600,000	\$10,044,100
L2	Waverly Drive	long/dev	36%	\$1,394,000	\$501,840
L3	Washington/Calapooia/1st/2nd	short	42%	\$100,000	\$42,000
L4	Timber Street Extension ROW	short	100%	\$966,000	\$966,000
L4	Timber Street Extension	long/dev	100%	\$2,708,000	\$2,708,000
L5	Main Street - 7th Avenue - Hill Street	mid	64%	\$1,292,000	\$826,880
L6	North Albany Road	mid	29%	\$5,847,000	\$1,695,630
L6	North Albany Road ROW	short	100%	\$19,000	\$19,000
L9	Queen Avenue	long/dev	12%	\$0	\$0
L10	New North Albany Connector <i>Funding is for 15% construction west of Crocker (\$145/lf) and 40% construction east of Crocker</i>	long/dev	100%	\$5,818,000	\$5,818,000
L11	Spicer Drive Extension (West of Timber St.)	long/dev	100%	\$982,000	\$982,000
L12	Spicer Drive Extension (East of Timber St.)	long/dev	100%	\$1,666,000	\$1,666,000
L13	Goldfish Farm Road Extension	long/dev	100%	\$1,013,000	\$1,013,000
L14	Dogwood Avenue Extension	long/dev	100%	\$3,294,000	\$3,294,000
L15	New North/South Collector – LID Knox Butte to Somerset	short	100%	\$2,548,000	\$2,548,000
L15	New North/South Collector – Knox Butte to US 20 (Santiam)	long/dev	100%	\$4,949,000 \$3,662,260	\$4,949,000 \$3,662,260
L16	New East/West Collector	long/dev	100%	\$3,723,000	\$3,723,000
L17	Expo Parkway Extension (south of Dunlap)	long/dev	100%	\$996,000	\$996,000
L18	Timber St Extension to Somerset Avenue	long/dev	100%	\$1,720,000	\$1,720,000
L19	Somerset Avenue Extension - LID	short	100%	\$383,000	\$383,000
L19	Somerset Avenue Extension – wetlands to Charlotte	long/dev	100%	\$1,270,000 \$482,600	\$1,270,000 \$482,600
L20	Santa Maria Avenue Extension	long/dev	100%	\$1,872,000	\$1,872,000
L21	Knox Butte Road Widening ROW	short	100%	\$1,478,000	\$1,478,000
L21	Knox Butte Road Widening	long/dev	60%	\$3,169,000	\$1,901,000

ATTACHMENT F.3

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCi Eligible
L22	Knox Butte Road Widening ROW	short	100%	\$31,000	\$31,000
L22	Knox Butte Road Widening	long/dev	56%	\$825,000	\$462,000
L23	Knox Butte Road Widening	long/dev	52%	\$1,256,000	\$653,120
L24	Knox Butte Road Widening	long/dev	47%	\$7,688,000	\$3,613,360
L25	Dunlap Avenue Extension	long/dev	100%	\$1,045,000	\$1,045,000
L26	Springhill Road Widening	long/dev	61%	\$3,406,000	\$2,077,660
L27	US 20 Widening	long/dev	18%	\$8,351,000	\$1,503,180
L28	Ellingson Road Extension	long/dev	61%	\$5,740,000	\$3,501,400
L30	Oak Street	short	100%	\$2,130,000	\$2,130,000
L31	Fescue Street to Three Lakes Road Connector	long/dev	100%	\$886,000	\$886,000
L32	Fescue Street Extension	long/dev	100%	\$3,054,000	\$3,054,000
L33	Three Lakes Road Realignment ROW	short	59%	\$750,000	\$442,500
L33	Three Lakes Road Realignment	long/dev	59%	\$1,868,000	\$1,102,120
L34	Looney Lane Extension	long/dev	100%	\$914,000	\$914,000
L35	Albany Avenue Widening	long/dev	26%	\$1,177,000	\$306,020
L36	W Thornton Lk Dr, N Albany Rd & N Alb Middle School	long/dev	11%	\$565,000	\$62,150
L37	Springhill Drive	long/dev	18%	\$4,158,000	\$748,440
L38	Scenic Drive	long/dev	10%	\$6,842,000	\$684,200
L39	Century Drive	long/dev	52%	\$3,199,000	\$1,663,480
L40	Gibson Hill Road	long/dev	6%	\$3,816,000	\$228,960
L41	Skyline Drive	long/dev	0%	\$1,523,000	\$0
L42-a	Crocker Lane North (LID)	short	30%	\$1,721,020	\$516,306
L42-b	Crocker Lane South	long/dev	30%	\$2,807,980	\$842,394
L43	Valley View Drive	long/dev	40%	\$3,695,000	\$1,478,000
L44	West Thornton Lake Drive	long/dev	11%	\$6,097,000	\$670,670
L45	Allen Lane	long/dev	56%	\$2,689,000	\$1,505,840
L46	Columbus Street	long/dev	49%	\$4,549,000	\$2,229,010
L47	Grand Prairie Road	long/dev	53%	\$2,260,000	\$1,197,800
L48	Spicer Drive	long/dev	32%	\$868,000	\$277,760
L49	Scravel Hill Road	long/dev	21%	\$9,699,000	\$2,036,790
L50	Quarry Road	long/dev	21%	\$3,493,000	\$733,530
L51	Spicer Road	long/dev	54%	\$676,000	\$365,040
L52	Goldfish Farm Road	long/dev	82%	\$4,444,000	\$3,644,080
L53	Ellingson Road <i>Funding is for 24ft of right-of-way (3 to 5 lanes) at \$6/s.f. and 25% construction</i>	long/dev	49%	\$5,847,000	\$2,865,030
L54-a	Lochner Road – North	short	44%	\$3,721,500	\$1,637,460
L54-b	Lochner Road - South	long/dev	44%	\$4,548,500	\$2,001,340
L55	Three Lakes Road ROW	short	42%	\$287,000	\$120,540
L55	Three Lakes Road	long/dev	42%	\$4,569,000	\$1,918,980
L56	US 20 - East of I-5	long/dev	44%	\$2,068,000	\$909,920
L57	Santa Maria Avenue	long/dev	91%	\$694,000	\$631,540
L58	Oak Street	short	65%	\$2,186,645	\$1,421,550
L59	Water Avenue	short	50%	\$4,070,000	\$2,035,000
L60	US 20 Superelevation and Widening	long/dev	22%	\$3,122,000	\$686,840
L61	Three Lakes Road	long/dev	0%	\$1,879,000	\$0
L62	Oak Creek Parkway <i>Funding is for 25% construction west of Columbus</i>	long/dev	100%	\$16,456,000	\$16,456,000
M1	Queen/Geary Periwinkle Path	short	70%	\$46,000	\$32,200

ATTACHMENT F.4

1	2	3	4	5	6
Project #	Project	TSP Priority	Growth Percentage	Total Project Cost (2010 \$)	TSDCI Eligible
M2-a	Oak Creek Loop Trail (south of Oak Creek)	long/dev	70%	\$2,680,000	\$1,876,000
M2-b	Oak Creek Loop Trail (north of Oak Creek)	long/dev	70%	\$1,787,000	\$1,250,900
M2-c	Oak Creek Crossing Trails	long/dev	70%	\$838,000	\$586,600
M3	West Timber-Linn Trail	mid	70%	\$161,000	\$112,700
M4	South Waterfront Trail	mid	70%	\$76,000	\$53,200
M5	Albany-Corvallis Multiuse Path	mid	70%	\$1,477,000	\$1,033,900
M6	Albany-Corvallis Multiuse Path	long/dev	70%	\$761,000	\$532,700
M7	East Timber-Linn Trail	long/dev	70%	\$277,000	\$193,900
M8	Bain Street/Waverly Lake Trail	long/dev	70%	\$153,000	\$107,100
M9	Lebanon Trail	long/dev	70%	\$581,000	\$406,700
M10	Periwinkle Trail Extension	long/dev	70%	\$1,528,000	\$1,069,600
M11	East Albany Willamette River Bridge	long/dev	70%	\$7,657,000	\$5,359,900
M12	99E/Oak Creek	long/dev	70%	\$129,000	\$90,300
M13	US 20/99E Undercrossing	long/dev	70%	\$1,500,000	\$1,050,000
P1	Springhill Drive	mid	70%	\$542,000	\$379,400
P2	99E/24th Avenue	long/dev	70%	\$129,000	\$90,300
P3	Oregon 99E: Burkhart to Waverly	long/dev	70%	\$129,000	\$90,300
P4	Ferry Street	long/dev	70%	\$725,000	\$507,500
P5	Columbus Street	long/dev	70%	\$277,000	\$193,900
P6	Geary Street	long/dev	70%	\$791,000	\$553,700
P7	Airport Road	long/dev	70%	\$485,000	\$339,500
P8	Killdeer Street	long/dev	70%	\$174,000	\$121,800
P9	Waverly Drive	long/dev	70%	\$88,000	\$61,600
P10	Albany-Santiam Canal Pedestrian Esplanade	long/dev	70%	\$1,232,000	\$862,400
P11	Thurston Street Canal Pedestrian Esplanade	long/dev	70%	\$1,863,000	\$1,304,100
P12	Gibson Hill Road	short	70%	\$1,034,000	\$723,800
S1	ADA Accessibility Audit	short	0%	\$25,000	\$0
S2	Hwy 20 Corridor & Downtown Refinement Plan	short	100%	\$250,000	\$250,000
S3	Safety Audit	short	0%	\$30,000	\$0
S4	OR 99E Speed Study	short	0%	\$0	\$0
S5	Downtown STA	short	0%	\$0	\$0
S6	Albany TSP MPO Update	mid	32%	\$350,000	\$112,000
S7	Major Corridors	long/dev	0%	\$0	\$0
S8	Wayfinding	long/dev	0%	\$25,000	\$0
S9	Interstate 5 / OR 99E / Knox Butte	long/dev	100%	\$100,000	\$100,000
S10	Interstate 5 / US 20 (Santiam)	long/dev	100%	\$100,000	\$100,000
T1	ADA Accessibility Projects	mid	70%	\$430,000	\$301,000
TOTALS				\$267 M \$266 M	\$155 M \$154 M



xxxx Existing TSP 2030 ADT
 (xxxx) Ammended TSP 2030 ADT

RESOLUTION NO. _____

A RESOLUTION SUPPORTING THE DESIGNATION OF ALBANY, OREGON, AS A FLAG CITY U.S.A.

WHEREAS, Albany is the county seat of Linn County, the second largest city in Benton County, and the 11th largest city in the state of Oregon; and

WHEREAS, Albany has been home to the largest Veterans' Day parade west of the Mississippi River since the mid-20th century; and

WHEREAS, Albany annually honors veterans of all armed conflicts and those who serve in peace time with the parade, a community breakfast, an awards dinner, other Veterans' Day activities, and a veterans' memorial at Timber-Linn Memorial Park, where ceremonies are held on Memorial Day each year to honor those who served in all American military branches; and

WHEREAS, Albany was named an All-America City in 1985 for its volunteerism, charitable works, and patriotism; and

WHEREAS, the American flag – Old Glory, the Stars and Stripes, the Star-spangled Banner – is the symbol of the United States of America; and displaying it on homes, businesses, and government buildings is affirmation of our patriotism and allegiance to the nation; and

WHEREAS, American Legion Post 10 is encouraging businesses, residents, government agencies, and civic organizations to fly the flag on public and private property on Presidents' Day, Armed Forces Day, Memorial Day, Flag Day, Independence Day, Labor Day, Patriot Day, Election Day, Veterans' Day, and Pearl Harbor Day to display the community's patriotism and pride and to designate Albany as a Flag City USA.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council endorses the Legion's endeavor and encourages the entire Albany community to support the project.

DATED AND EFFECTIVE THIS 26TH DAY OF AUGUST 2015.

Mayor

ATTEST:

City Clerk

Item moved to
Business from the Council

CITY OF ALBANY
CITY COUNCIL REGULAR SESSION
Municipal Court Room
Wednesday, July 8, 2015
7:15 p.m.

MINUTES

CALL TO ORDER

Mayor Sharon Konopa called the meeting to order at 7:15 p.m.

ROLL CALL

Councilors present: Mayor Sharon Konopa and Councilors Rich Kellum, Bill Coburn, Ray Kopczynski, Dick Olsen, Bessie Johnson, and Floyd Collins.

Councilors absent: None.

SCHEDULED BUSINESS

Communication

Accepting resignation from Debbie Berg from the Human Relations Commission.

MOTION: Councilor Bessie Johnson moved to accept Debbie Berg's resignation from the Human Relations Commission and to send a letter of thanks. Councilor Ray Kopczynski seconded the motion and it passed 6-0.

Quasi-Judicial Public Hearing

CP-01-14 and ZC-100-14, amending Ordinance No. 4447, which adopted the City of Albany Comprehensive Plan Map; and amending Ordinance No. 4441, which adopted the City of Albany Zoning Map; adopting findings for property located at 241 Waverly Street SE; Linn County Assessor's Map No. 11S-3W-05DD, Tax Lot 400; and declaring an emergency.

Open: Konopa opened the public hearing at 7:17 p.m.

Konopa asked if any Councilors wished to declare a conflict of interest. None did.

No Councilors reported any *ex parte* contact.

Councilors Bill Coburn, Kopczynski, Rich Kellum, and Dick Olsen said they drove by the site, but didn't get out of their cars.

Konopa asked if any members wished to abstain from participating in the proceedings. None did.

Konopa asked if anyone wished to challenge the City Council's right to determine this matter or the participation of any Councilor in this hearing and decision. Michael Derusha, 2617 Fourth Avenue, asked whether Johnson's husband Larry's company had any part in the project. Johnson said no, his company is not involved. No one else wished to challenge the Council's right to determine the matter.

Konopa said for those wishing to testify there is a sign-up sheet at the table.

Konopa said, for those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Council and parties an opportunity to respond to the issue if you later want to raise that same issue on appeal to the Land Use Board of Appeals (LUBA). Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the Comprehensive Plan or Development Code which you believe to apply to the decision. If additional documents or evidence are provided by any party, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by the applicant shall result in a corresponding extension to the 120-day limit. Failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Staff Report.

Planner III David Martineau said that R. J. Alldritt, represented by Rich Catlin of Reece & Associates, applied to change the Comprehensive Plan designation of a 1.38-acre lot from Low Density Residential and General Commercial to Medium Density Residential, together with a concurrent zoning map amendment that would change the zoning of the property from Residential Single Family (RS-6.5) and Community Commercial (CC) to Residential Medium Density (RM) (see agenda file). Alldritt's property is located at 241 Waverly Drive SE.

Martineau said the Planning Commission held a public hearing regarding the proposal on April 20, 2015. The Planning Commission found that the proposed comprehensive plan map and zoning map amendments are consistent with the City's Comprehensive Plan policies, and the Albany Development Code review criteria. These criteria are addressed in detail in the staff report, included in the agenda packets. Based on these findings, the Planning Commission voted 6-2 to recommend that the City Council approve the proposed comprehensive plan map and zoning map amendment.

Martineau said the City Council considered the proposed amendment during a May 27, 2015, public hearing; however, there were not enough votes to make a decision on the draft ordinance that would approve the amendment. The ordinance was presented again for Council consideration and received a first reading at the June 10, 2015, Council meeting. Prior to taking action on the draft ordinance, a member of the public requested that City Council reopen the public hearing to consider new testimony prior to making a final decision. The City Council granted this request; therefore, staff is presenting the draft ordinance again for consideration at tonight's hearing.

Applicant Testimony.

Rich Catlin of Reese & Associates spoke representing R. J. Aldritt. Within a 300-foot radius of the Aldritt property are 59 dwelling units on 6.5 acres, for a density of 9 units per acre, greater than the allowed density of a single-family zone. The Aldritt property is odd-shaped and difficult to develop as a single-family subdivision. RMA zoning would provide a more efficient way to develop the site. The RMA zone is considered a transition zone from commercial to residential. The property borders a commercial zone on Pacific Boulevard and a residential zone on the other side. The need for RMA zoning is demonstrated in the Albany housing needs analysis, which shows a shortage of RMA-zoned properties and a surplus of land zoned RS-6.5. A zone change here would be a step forward. A traffic impact analysis has been made for this application. ODOT and City staff have reviewed the analysis and determined that the application meets their requirements. This is a small project. It integrates into the neighborhood as an edge development, with residential on one side and commercial on the other. Catlin compared this project to the Woodwind Apartments on Salem Avenue. This project is half that size, but similarly situated.

Catlin showed slides of the project area to demonstrate its compatibility with the neighborhood. For a two-story residence in an RMA zone, the setback from the neighboring property line would be 32 feet. The setback for the current zoning (RS-6.5) would allow as little as eight feet between neighboring two-story residences. Albany Development Code design standards for apartments state that setback space between property lines and buildings cannot be used for parking, driveways, recreation, etc.

Catlin handed out paper copies of the slide show information (see agenda file) and a handout from Reese & Associates, Inc. titled "Albany Development Code" (see agenda file).

Konopa asked if anyone in the audience wished to speak in favor of the application. No one did.

There was a letter on the dais from Carolyn Duehn (see agenda file).

Public Testimony.

Konopa called for the first person on the Public Hearing signup sheet (see agenda file).

Kasey Tegner, 221 Waverly Drive SE, said she is concerned about the impact on the neighborhood, especially traffic and property value. The new zone is supposed to be a buffer zone, but it would overwhelm the neighborhood. It would allow building to double the number of units for three blocks and triple the number of units on Waverly Drive. The project is based on a study that hasn't been updated since 2007. A lot of multi-family housing has been built since then. This small lot isn't important proportionally. The applicant says they are proposing an efficient use, but efficient is not always in alignment with a peaceful enjoyment. Efficiency should not be the main concern. The neighborhood is turning around. People are moving in, buying foreclosures, and spending money to fix them up. The neighborhood has been there over 60 years just as it is, and the residents like it that way.

Cherrie Wellons, 300 Waverly Drive SE, said her main concern is traffic. She often rides the bus from the stop at Salem Avenue and Waverly Drive, and has observed the traffic, particularly in the morning commute. The idea of a potential apartment complex on that lot is scary from the standpoint of traffic alone. She lives across the street from the proposed project and is worried about more people parking in front of her house, which would interfere with garbage pickup, street sweeping, and visibility backing into the street from her driveway. Catlin's diagrams indicate that the property's driveway would be moved, likely directly across from her house. She's concerned about traffic in and out, especially during hours of darkness in winter months, when headlights will add to the disturbance to neighbors. The goals of the project are admirable but this is not the place to accomplish them. There are more suitable areas. Also, the added traffic will require more street maintenance, which is already a problem in the city.

Vanessa Derusha, 2617 Fourth Avenue SE, said her main concern is that the crime rate will go up with population increase. They used to live in the Wedgewood Apartments just south of the area. After their

apartment was broken into, they moved to this apartment to be safer. She feels safe here. She recognizes everyone that walks up and down the street, and that will change if the new apartment complex is built.

Michael Derusha, 2617 Fourth Avenue SE, said he has lived in Albany since 1970. He thinks that any more building here needs to be looked at very closely, especially in an open space. The property in question is like a park. There is plenty of space by Kmart, flat and already paved, so no habitat would be affected. There are about 57 properties in Albany offering rentals, so there isn't really a need for housing. Albany has about 3,200 businesses operating, so adding another source of income for an out-of-towner isn't in Albany's interest.

Monica Weber, 210 Fulton Street SE, thanked the Council for giving the neighbors another chance to express their concerns. Her major concern about rezoning for higher density is increased traffic. Semi trucks barrel down Fulton Street daily. They choose Fulton Street instead of Waverly Drive to avoid the traffic light or the tight turn. Others also use Fulton to avoid the intersection at Waverly Drive and Pacific Boulevard. Adding a large number of residential units to the neighborhood will make it worse. Because it's hard to turn left onto Pacific Boulevard safely, she turns left on Fourth Avenue and then right on Waverly Drive so she can turn onto Pacific Boulevard at the light, but traffic is backed up on Waverly Drive so it's hard to turn either right or left. It will be worse with a large apartment complex added on Waverly Drive. They knew when they moved into the neighborhood that there would be some traffic, but they didn't anticipate a zone change that would dramatically increase traffic noise and pollution. She is not a no-growth advocate; she is for smart growth. She asked the Council to consider the Waverly Drive, Fulton Street, and Lake Street residents before approving the zone change.

Carol Williams, 240 Waverly Drive SE, said she lives almost directly across from the proposed zone change. She has lived there almost 40 years. She thought this project had been defeated twice before. Waverly Drive is a very small street here, between two major streets. Increased traffic would be unbearable. It's already difficult to get in and out of driveways.

Velma Johnston, 2415 Waverly Drive SE, said traffic is already difficult on Waverly Drive. She drives a truck and has to slow down and veer to the right to get through the intersection. She is the only resident in her apartment complex that has two parking spaces. The extra parking for new apartments would be on Waverly Drive or Fourth Avenue.

Tom Gloude, 2045 36th Avenue SE, said he has a rental at 139 Waverly Drive SE, north of the Tegners. Traffic will be a problem. Traffic from the City shops and Wah Chang both travel down Waverly Drive. He has lost tenants because they can't get out of the driveway. He has mentioned the project to a couple of developers, who said it would be spot zoning. One realtor he talked to wants it to pass so he can also do spot zoning for several projects.

Janice Schmidtke, 230 Waverly Drive SE, said she bought her house about six years ago, for the sole purpose of quiet. She lives directly across the street from the property in question. She has almost been rear-ended a number of times backing out of her driveway. She has seen traffic travelling from Salem Avenue to Pacific Boulevard at 45 miles per hour.

Pam Briggs, 197 Lake Street SE, said she lives behind the property in question. The proposed zone change would have negative impacts on all in the surrounding area. She can't see any positive impact. The neighborhood is mostly one-story single-family homes, with a few duplexes and small one-story apartments. There are very few two-story homes. Changing the zoning on the property from low-density to medium-density will have a significant negative impact on the neighborhood. The site plan indicates 25 to 35 two or three-story apartments. This would be totally out of character for the neighborhood. Apartment residents would be looking out their windows into the yards of nearby homes. The lot has lots of trees. Putting in that many apartments means most if not all of the trees would be lost. She can see the back of the property from her front window. She regularly sees great blue herons, osprey, red-tail hawks, and bald eagles in the trees. If the project is approved, she would see, instead, multiple two and three-story apartments looking into her yard and her neighbors' yards.

Briggs said the traffic impact would also be huge on Lake Street too. Traffic on Waverly Drive is so bad, she avoids driving on it. Adding 35-60 additional cars on Waverly Drive twice daily will make it even more congested. Traffic on Salem Avenue will also increase, making it harder and more dangerous to enter and exit Lake Street. The property in question is a buffer as it is. If zoning is changed, it will turn into an encroachment into the quiet single-family neighborhood. She is opposed to changing the zoning, but not opposed to development. Keeping development on the property low-density would complement the neighborhood, not detract from it.

Paulette Buffington, 185 Lake Street SE, had nothing to add.

Ruth Dwier, 129 Lake Street SE, had nothing to add.

Ray Dwier, 129 Lake Street SE, had nothing to add.

Mike Briggs, 197 Lake Street SE, had nothing to add.

Dane Campbell, 286 Casting Street, had nothing to add.

Lola Alfter, 215 Fulton Street SE, said in addition to increased traffic, she is concerned about possible negative effects on property values. She has talked to appraisers who said there could be negative effects. She just bought her house two years ago. She would like the Council to consider property values in making a decision.

Konopa asked if anyone who did not sign up wished to testify. No one did.

She asked if anyone who neither favored nor opposed the project wished to testify. No one did.

Applicant Rebuttal.

Catlin said the unanimous opinion is that there will be a lot of traffic. He called attention to the Traffic Impact Analysis in the agenda packet. On page 2 is a trip generation comparison. Apartments generate fewer trips per day than a single-family home. Traffic engineers usually study the p.m. peak hour, 5:00 p.m. to 6:00 p.m. During the peak hour, a six-lot subdivision would generate six trips. A 35-unit apartment complex would generate 22 trips. The difference is 16 trips, or one approximately every three minutes, which should allow traffic to clear completely between trips. The proposed project would be required to have onsite parking. Residents might choose to park on the street, but ample onsite parking would be available. He said there is no specific development plan yet, just a requested zone change. Any 1.3 acre property with one house on it will have a lot of open space. The trees are a good question. They are large trees, and the owner would not have arbitrary discretion to remove them. The Development Code has standards for when trees may be removed. That would be reviewed with a site plan review.

The question of spot zoning is fair, since this is the only property being proposed for the zone. The counter-argument is that the proposed zone type is between two types of zoning already in the neighborhood: commercial and RS-6.5. His conclusion is that it is not spot zoning.

Johnson asked how many parking spaces would be required to keep apartment residents from parking on the street. Martineau said that parking for apartments or multi-family residential is calculated in different ways. He listed the requirements from the Development Code. Multi-family development requires one space for each studio or one-bedroom apartment, plus one visitor space for every four units. Two-bedroom units require 1.5 spaces per unit plus one visitor space for every four units. Three-bedroom units require two spaces per unit, plus one visitor space for every four units. So, 15 two-bedroom units need 22.5 spaces plus visitor spaces to total 26. The required spaces would all be off-street parking, on the development property. The amount of space required for development and parking and required open space will limit how many units can be put on a site.

Closed: Konopa declared the hearing closed at 8:00 p.m.

Coburn complimented Pam Briggs on her testimony. He had a list of questions and she answered them all as she spoke.

City Attorney Jim Delapoer read the Ordinance for the second time in title only: AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT 241 WAVERLY STREET SE; LINN COUNTY ASSESSORS'S MAP NO. 11S-3W-05DD, TAX LOT 400; AND DECLARING AN EMERGENCY.

MOTION: Kopczynski moved to adopt the Ordinance. Councilor Floyd Collins seconded the motion for discussion.

Kellum said when people buy a place they have expectations based on what it was when they bought. Residents here bought into a single-family area with a single-family area next to them. When they move into an area, people have a right to know what could be developed there. He would like to deny the request for that reason, and also because no one knows what development on the property would look like.

Johnson said she understands the traffic issues. She agrees with Kellum that with no specific development planned, the Council doesn't know what they are deciding on. Until we know what the development will look like she is also inclined to vote no. Konopa said the Council used to be able to do a single hearing for both a zone change and a development proposal, but the process was changed to do the zone change separately. If the Council wants to change the process they should look at it. Johnson thinks this process isn't fair to Catlin, because he can't present a development proposal, and not fair to the neighbors because they don't know what is going to be proposed.

Delapoer said the Council must make its decision based on the criteria in the staff report. They cannot lawfully deny the request based on the lack of an accompanying plan. Zoning was originally done to set parameters for the type of development that could happen in an area. So when an applicant doesn't present a development plan, the Council should look at all allowable uses for the zone and consider the full range of what is eligible. Also, even if an applicant does apply for site plan approval at the same time as a zone change, they could then choose to develop a different site plan. The Council is only allowed to look at the application before it, and only on its own merits.

He said if the majority of the Council wants to deny the application, they should use the motion to tentatively deny and ask staff to bring back findings to support denial. It is helpful for staff to know what the Council's concerns with the application are. The concerns have to be lawfully relevant to the criteria. There is no 120-day limitation on decisions about Comprehensive Plan designations.

Olsen described zoning historically. There are many more zones now. The requested zoning seems specific to apartments. For that reason, he is opposed to the motion.

VOTE: A vote was taken on the motion to adopt the ordinance and it failed 2-4, with Olsen, Johnson, Kellum and Coburn voting no.

MOTION: Kellum moved to tentatively deny the ordinance and direct staff to prepare findings to support the decision and Johnson seconded it.

Coburn said he is unsure whether it is reasonable to express concerns to staff, who have heard the same testimony as the Council. He has concerns related to Great Neighborhoods, but doesn't believe Great Neighborhoods is applicable to the criteria for approval.

Delapoer directed the Council's attention to the Comprehensive Plan criteria, on page 12 of the agenda. He referred to the first criterion, which allows the Council to find that the proposed zone change is not "more supportive of the Comprehensive Plan as a whole than the old designation."

Kopczynski asked if the Council would be asking staff to find a reason for denial even though there may not be one.

Konopa said the last update of the Comprehensive Plan map used the Buildable Lands Inventory, which projected housing needs over 20 years. Since then, the city has seen a lot of multi-family housing built, including a similar zone change for a large apartment complex. Putting more multi-family zoning into one area of town is not the intent of the Plan. This may be something to consider when asking staff to bring back findings.

Delapoer, in answer to Kopczynski's question, said that in a Comprehensive Plan application, the burden of proof is on the applicant. From the previous discussion, he thinks a majority of the Council feel that the applicant has not met the burden of proving that the first criterion has been satisfied.

VOTE: A vote was taken on the motion to tentatively deny the ordinance and direct staff to prepare findings to support the decision and it passed 4-2, with Collins and Kopczynski voting no.

Delapoer explained the next step in the process. He reminded the Council that they cannot make a final decision without findings of fact. Once they have those, they can formally deny the application. He also reminded them and the audience that the public hearing is closed, and the Council may not talk further to the public about this issue.

Collins gave some history about why they contemplated transition zoning.

Business from the Public

Tom Cordier, 2240 NW Park Terrace, said that the memo in the agenda packet regarding franchise fees says, "The increase was recommended by the Budget Officer and approved by the Budget Committee to offset property tax lost to compression." He asked, who is the Budget Officer? Did the Budget Officer recommend any items to reduce the cost of City government? Konopa said the review is part of the budget process. City Manager Wes Hare proposes the budget and works with the Finance Director and department staff to prepare the proposed budget. Cordier said that didn't answer his question and repeated the question. Konopa began to respond. Cordier repeated his question again. Konopa began to respond again. Cordier said he would "take that as a no." Cordier said that he thinks that if such a recommendation was made, he would have read about it in the *Democrat-Herald* and in Hasso Hering's blog and it would be public knowledge.

Cordier said the City receives \$2.329 million annually in "the sales tax called a privilege tax" for electric power. Cordier listed other utility franchise revenue totals that were provided to him by Taylor. He said, that doesn't include transient lodging taxes. He said, apparently the City isn't satisfied with \$4.2 million and now wants another \$930,000. He thinks this is unbelievable. He objects to the new "sales tax" increase. Electricity is a requirement of life, not a privilege. He said this proposal increases taxes that are regressive, which he defines as hurting those people who are less able to afford it. He suggested that the Council did not look for ways to reduce the cost of government, only to increase the revenue. He also objects to the emergency clause. He encouraged the Council to vote no.

First Reading of Ordinance

Amending Albany Municipal Code (AMC) Chapter 3.04, Privilege Tax – Electrical Power and Light Business; granting an electric utility franchise and general utility easement to PacifiCorp; and declaring an emergency.

Delapoer read the Ordinance for the first time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 3.04, PRIVILEGE TAX – ELECTRICAL POWER AND LIGHT BUSINESS; GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO PACIFICORP; AND DECLARING AN EMERGENCY.

MOTION: Johnson moved to read the Ordinance for a second time in title only. Kopczynski seconded the motion and it failed 5-1, with Kellum voting no. It takes a unanimous vote of the Council for a second reading in the same meeting. This item will come back to the next Council meeting.

Delapoer introduced Deputy City Attorney Sean Kidd, who worked with Assistant Public Works Director/City Engineer Jeff Blaine to work out the details of the public utility issues in the franchise agreement.

Kidd thanked Blaine and Taylor for their work. Kidd and Taylor spent time working on the financial element (indemnification, timing, duration, and compensation). Kidd then worked with Blaine to work out details regarding public works that hadn't been considered in the past. They spent about a week and a half negotiating with PacifiCorp on the public works portion, which put the City in a much stronger position than before.

Kellum said he has issue with the emergency clause. He said it is used often but many times no emergency exists. He said they should consider the intent of the emergency clause. Delapoer said the emergency clause is used for this particular ordinance to avoid lost revenue. Delaying approval for two weeks will cost the City \$37,000 that would otherwise be available for the General Fund. The ordinance was intended to take effect before July 1, 2015, but when concerns arose about how the agreement would work with public works functions, staff worked out those details with PacifiCorp. Each delay is worth \$75,000 a month. The budget assumes the City would receive this revenue. That is the emergency in this particular case. The original purpose of the emergency clause is to give citizens a chance to refer the matter to election. In Delapoer's opinion, this ordinance is not subject to referendum because it is an administrative matter. So, there is nothing lost by using the emergency clause in this case, and what is gained is \$75,000 for the General Fund.

Discussion followed about the use of an emergency clause for this ordinance. Delapoer urged the Council to ask staff to justify an emergency clause in an ordinance before they vote if there is a concern about it. If the Council is not satisfied with the reason to act promptly, then they can amend the ordinance to remove the emergency clause, and it would become effective 30 days later. There is nothing wrong with using that scenario. Kopczynski pointed out that the Council could have done that at the Work Session.

Konopa explained that franchise fees are charged to a utility for use of the public right-of-way (ROW). The public ROW is the property of the people of Albany. This charges the business a fee for using the people's property. Some of the franchise fees have been in place many years without being raised, so the City has been absorbing cost increases over the years. Some franchise fees are declining, such as the telephone franchise fee, since fewer people have landlines. Almost every city in the state is facing the same issue with their franchise fees. Konopa said that 100% of property taxes only partially covers Police and Fire services. Franchise fees are a big piece of funding for the Library, pools, parks, etc. She reminded the Council that they adopted the budget which included this franchise fee increase, as approved by the Budget Committee.

Johnson asked if the increase in franchise fees was already in the budget when the Budget Committee reviewed it. Several on the dais recalled discussion of the issue. Konopa said the Budget Committee first discussed it in November 2014, and then at subsequent Budget Committee meetings.

This item will come back to the July 22, 2015, Council meeting.

Adoption of Resolution

Approving the vehicle lease contracts with Wire Works, LLC.

MOTION: Collins moved to adopt the resolution and Kellum seconded it. The motion passed 6-0 and was designated Resolution No. 6441.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) May 27, 2015, City Council Regular Session.
- 2) Approving the limited off-premises sales, change of ownership liquor license application for Arsh, Inc., d/b/a Tri Valley Food Mart, located at 628 Ellsworth Street SW.
- 3) Approving annual liquor license renewals.

MOTION: Kellum moved to adopt the Consent Calendar as presented. Kopczynski seconded the motion and it passed 6-0.

Approval of Agreement

Approving an Intergovernmental Agreement (IGA) with Linn County for transient lodging tax funds to be used to assist with the costs related to a new outside sales contractor for the Linn County Fair and Expo Center.

Economic Development and Urban Renewal Director Kate Porsche said this is the finalized IGA with Linn County for a new contractor position to market the Expo Center. The draft IGA was based on recommendations from the Council. It was reviewed by the City Attorney, the City Manager, and Linn County. Porsche drew the Council's attention to the Budget Impact section of her memo, which describes where funding for the position could come from. The ad-hoc TLT Committee had recommended that the flat salary amount could come from the Collaborative Tourism line item, and if there are any commissions paid out, it could come from a reduction in the Reserve line item.

Konopa said the Council had been concerned about performance measures and metrics in earlier discussions. She asked, what measures have been written into the agreement? Porsche said the agreement doesn't outline specific goals like that, but the Council will get a quarterly review. This is a one-year agreement, renewable at the Council's discretion.

Konopa wondered how the Council can measure their performance without comparables. Coburn said he thinks it may be somewhat subjective and it may be difficult to establish a matrix of performance, which is part of the problem. He too has concerns, but is willing to vote yes and try it for a year. He said, if we don't like it, we cancel it.

Johnson asked when the position starts. Porsche said it started May 19, 2015.

MOTION: Kellum moved to approve the Intergovernmental Agreement with Linn County for use of transient lodging tax funds. Collins seconded the motion and it passed 6-0.

Appointments

Appointing Kim Brown and Anne Taleff to the Library Board.

MOTION: Olsen moved to approve the appointments as presented and Kopczynski seconded it. The motion passed 6-0.

Reports

Initiating street vacation proceedings for a portion of Sixth Avenue SE for the proposed Fire Station and a portion of Willetta Street SW for the proposed Police Station.

Planning Division Manager Bob Richardson asked the Council to initiate street vacations for the new Police and Fire Stations. City staff is working with Mackenzie Architects on land-use applications for both stations. Both require conditional use and replat approval and vacations of ROWs. Initiating the street vacations would allow coordination with the replat and conditional use applications. Staff recommends that any future approval of the vacations be contingent on approval of the conditional use applications.

Kellum asked why the City isn't vacating all of Willetta Street on the property. Martineau said the notch preserves the ability to use some of the ROW for a cul-de-sac. Discussion followed.

Richardson showed slides depicting Willetta Street, Sixth Avenue, the Fire Station Site Plan, and the Police Station Site Plan (see agenda file).

MOTION: Collins moved to initiate street vacation proceedings and direct staff to prepare street vacation applications for a portion of Willetta Street SW for the proposed Police Station and a portion of Sixth Street for the proposed Fire Station. Kopczynski seconded the motion and it passed 6-0.

BUSINESS FROM THE COUNCIL

Kopczynski said there will be a Human Relations Commission candidate on the agenda at the next Council meeting.

Collins said the construction on North Albany Road is moving right along. He appreciates the efforts of Albany Police in enforcing the speed limit, and appreciates Benton County temporarily reducing the speed on Springhill Drive to allow easier access for traffic on the side streets. He has heard that a lot of citizens like the dual left-turn lanes from Springhill onto Highway 20. He encouraged staff to talk to ODOT to try to keep those permanently.

Assistant City Manager/Chief Information Officer Jorge Salinas said he met with the new director of Council of Governments. They are very interested in the City's new transparency expenditure application and they are very interested in having a demonstration of the program at their monthly meeting.

Albany City Council Work Session
July 8, 2015

Blaine said he got a call from City of Lebanon staff. Their City Manager was not able to attend their City Council meeting tonight, so their Council will be discussing the canal issue on July 22, 2015, instead of tonight. Staff will report back when they hear more.

NEXT MEETING DATE: Work Session: July 20, 2015
 Regular Session: July 22, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Reviewed by,

Mary A. Dibble, MMC
City Clerk

Stewart Taylor
Finance Director

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, July 20, 2015
4:00 p.m.

MINUTES

CALL TO ORDER

Councilor Floyd Collins called the meeting to order at 4:00 p.m.

Mayor Sharon Konopa arrived at 4:20 p.m.

ROLL CALL

Councilors Present: Mayor Konopa and Councilors Floyd Collins, Bill Coburn, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors Absent: None

BUSINESS FROM THE PUBLIC

None.

PUBLIC SAFETY FACILITIES PROJECT UPDATE

Engineering Manager Staci Belcastro briefly reviewed two items on the June 22, 2015, Regular Session agenda for Council's consideration – a recommendation to award a professional services agreement for owner's representative for the Fire and Police stations project, and a recommendation to award a professional services contract for architecture and engineering services for the Fire and Police stations. She said staff will also present an item at the meeting recommending that Council initiate street vacation proceedings and direct staff to prepare a vacation application for a portion of Cathy Creek for the proposed Police station; this will allow for increased open green space and help the site meet their lot coverage requirements. She advised that neighborhood meetings have been scheduled for the Fire station project (August 11, 2015, 6:00 p.m., at Fire Station 11), and the Police station project (August 13, 2015, 6:00 p.m., at United Methodist Church).

BENTON COUNTY ROAD TRANSFERS

Interim Public Works Operations Director Chris Bailey introduced Josh Wheeler and Laurie Starha from Benton County Public Works. Bailey said City and County Public Works staff have been working over the past several months to update the Intergovernmental Agreement (IGA) for Jurisdictional Road Transfer and identify a subset of roads that could be transferred in the near term, that being the next five years or so. She displayed a map and pointed out several roads in North Albany that are under Benton County jurisdiction. An IGA from 2005 and two Letters of Understanding (LOU) describe how and when those roads can be improved and possibly transferred to the City's jurisdiction. Having two governing bodies share jurisdiction of roads is quite confusing and creates slowdowns in internal processes. The draft IGA describes a process and schedule agreed to by both agencies, the goal being to help target Benton County road maintenance work to facilitate the road transfer while allowing the City to define the level of maintenance it would find acceptable in order to accept a road. Other terms and conditions of the 2005 IGA have been brought forward so a framework remains for how roads that are not proposed to be transferred will be maintained. A joint meeting of the City Council and the Benton County Board of Commissioners is scheduled for August 18, 2015. Benton County staff would like to initiate some of the improvements prior to that meeting and will do so at their own risk if Council agrees conceptually with the IGA.

Councilor Rich Kellum asked if the standard for accepting a road is the same for both Linn and Benton Counties. Bailey said each road is considered individually and the improvements necessary to accept a road are decided on a case-by-case basis. City Manager Wes Hare added that, if the question is whether we are treating one county differently than another, the short answer is no. He noted times in the past when the City worked with Linn County on road transfer agreements by considering all of the factors present with a given road. Kellum clarified that his concern is that something might be left undone that the City will have to fix, and there is little money available.

Councilor Ray Kopczynski asked how many miles of roadway remain under Benton County jurisdiction that will eventually come into the City. Wheeler said that after the identified roads are transferred, he doesn't foresee the need to transfer additional roads unless there is a major expansion of the City's urban growth boundary. Hare added that, while there is no funding source identified to maintain the roads long-term and it would be nice if Benton County maintained those roads indefinitely, the City is interested in growth, development, and quality of life for our residents. These agreements get us to a better state and leave a challenge for the future as to how the roads will be maintained.

Councilor Bill Coburn said he shares Kellum's concern and appreciates Hare's comments. He wants to be sure that we don't fall into the trap of doing something just because it has been done before. The elephant in the room is that there is no way to take care of these roads once the City takes ownership. He said it's not unprecedented that the City doesn't own all the roads; for example, ODOT owns roads that go through town.

Hare said Benton County has made a good faith effort to work with the City to come up with a reasonable plan for improving the roads for our citizens. The long-term funding source won't be an immediate issue. The current primary source of funding for the City's street system is gas tax, but this is currently under review at the state level. He thinks the greater good is to enter into the agreement, recognizing that the long-term maintenance needs will need to be addressed. Brief discussion followed.

Collins said he had a few content issues. He said the new IGA should incorporate all of the LOUs so the agreement is in one document. He said easements have been granted to Benton County in the past for maintaining ditches; consideration needs to be given to how those easements will be transferred between jurisdictions. He said getting the general wetlands permit transferred and ensuring the City is protected as far as drainage and wetlands is another question.

Wheeler said that combining all of the agreements into one document is a great idea. He said consideration will be given to the easement situation and to the wetlands permit. It was noted that the City doesn't have a general wetlands permit and this needs to be addressed prior to road transfer.

Collins commented that while he has the same concern as other Councilors regarding the fiscal issue, we are seeing more population in North Albany and more people frustrated by jurisdictional runaround. He thinks there will likely be some non-urban standard roadways in North Albany.

Kellum said he is fine with having different streets with various levels of expectation, as long as everyone understands that upfront. His concern is that the expense of bringing all of the roads up to urban standard could be a deal-breaker.

In response to further question from Collins, Belcastro said the plan for East Thornton Lake Road is to have the North Albany Road contractor do that work as part of the existing contract, with Benton County to reimburse for those costs. They will try to get the work done within the road closure window; however, if that doesn't occur they will have a special schedule so the work is not done when school is in session.

A joint meeting with the Benton County Board of Commissioners is scheduled for August 18, 2015, at 4:00 p.m.

FIRE LINE BACKFLOW DEVICE DISCUSSION

Bailey said that in auditing and inspecting fire line systems around town, staff have found several deficiencies – some systems don't have detection meters, and some systems have inadequate or no backflow prevention.

Water Utility Superintendent Karen Kelley reviewed her background with the Oregon Health Authority and provided basic information about backflow and backsiphonage. She said backflow prevention is a state requirement; Albany has a very robust written plan and capable staff that oversee the program. Staff is out every day looking for potential cross connections and making sure they have the appropriate device. She said 12 private fire protection systems have been identified as having either no, or inadequate, backflow protection, and this needs to be remedied to maintain the integrity of the Albany Municipal Code (AMC) and the City's water system. Staff recommends approval of up to \$150,000 of Water Economic Development funds to help customers gain compliance with backflow requirements. It was also found that 24 properties do not have detection meters; staff recommends these costs be covered as part of standard meter replacement/installation practices within the Operations budget.

Councilor Bessie Johnson asked if the properties are all in the same area of town. Bailey replied that they are scattered around the community.

Kopczynski asked if there is nothing that requires inspection at time of sale or title transfer that would bring this lack of meeting the AMC to staff's attention. Bailey said staff generally learns of these issues when someone takes out a plumbing permit. Staff's best explanation is that these systems either came in before the requirements or when different requirements were in place. Staff is suggesting using City funds because it is not known how these systems got to their current state. Brief discussion followed.

Kopczynski suggested that this come back at a Regular Session for transparency. There was general agreement.

Bailey described a citizen complaint that may come forward related to the backflow prevention assembly program. Following a water shutoff notice being issued for noncompliance, the customer called with questions about the program, and the shutoff process was put on hold. After checking with the state coordinator, it is staff's intention to go forward with enforcement, and the customer has stated that he will bring this to Council. This is for information only at this time.

HEARINGS OFFICER DESIGNATION

City Attorney Jim Delapoer distributed a resolution appointing a "director" and a "hearings officer" for purposes of AMC Chapter 6.18 concerning dangerous dogs (see agenda file). He said there is a dog in detention for killing a domestic animal, and that this dog can be sent to California with the full cooperation of authorities there because that state has a "two strikes" policy. The proposed resolution is needed to allow this action. It continues the process

where the "Director" is the Chief of Police or his designee, and the "Hearings Officer" is the Municipal Judge or approved Pro Tem Judge.

MOTION: Kopczynski moved to adopt the resolution, and Coburn seconded. The motion passed 6-0, and was designated Resolution No. 6442.

PACIFICORP FRANCHISE AGREEMENT CHANGE IN ORDINANCE FORMAT

Delapoer distributed a proposed revised ordinance amending Albany Municipal Code (AMC) Chapter 3.04, to exempt PacifiCorp from the privilege tax obligations set forth therein and establishing an electrical utility franchise and general utility easement for PacifiCorp; and declaring an emergency (see agenda file). The revisions clarify the relationship with the existing privilege tax ordinance and make clear how that would be integrated into the AMC.

Delapoer said this item will be on the July 22, 2015, Regular Session agenda. Council could move to amend the ordinance that received a first reading on July 8, 2015, to conform to the new version, and then proceed to a second reading and adoption, or they could start with a first reading on the revised ordinance. He referred to concerns about whether this is a tax and whether there should be an emergency clause. It is his opinion that the franchise fee is not a tax and that it is not subject to referendum. He reviewed a similar case where Benton County found a franchise fee was not subject to referendum, which the Court of Appeals affirmed without opinion. He said the value of the emergency clause is that whatever is being enacted becomes immediately effective. Council may amend the ordinance to remove the emergency clause if they choose.

Kellum said that, according to the Secretary of State's Office, an ordinance for a franchise shall not take effect until 30 days after passage unless there is a need for measures necessary for the immediate preservation of the peace, health, and safety of the city. In his opinion, we shouldn't declare an emergency unless there is in fact an emergency. Delapoer noted that Albany is a home rule city and that Council should do what they think is right.

Councilor Dick Olsen noted that not declaring an emergency would give Council a couple of weeks to think about actions before they take effect.

Kopczynski said the franchise fee feels like a tax to many people. Having said that, this recommendation was part of the City Manager's budget message, included in the budget process, and approved as part of the adopted budget. He supports the emergency clause in this case but, going forward, he thinks that Council can talk about when to use the emergency clause.

Coburn suggested that it would be a cleaner process to have a second reading on the existing ordinance at the next meeting, and then have staff bring the changes back at a future time. There was general agreement.

Konopa commented that a charge to use the right-of-way is a cost of business for the utility companies and it's unfortunate that they call it out as a separate cost on their customer's bills. She noted that other businesses typically don't call out those types of business costs. Hare noted that the City has had a reduction in both revenues and employees during a time that we are adding significantly to our population. The City relies on franchise fee revenue and there has been a decline in resources from the telephone company franchise as fewer people have landlines. The question for Council is what should be done to replace that revenue or cut expenses.

COUNCILOR COMMENTS

Konopa noted that the Albany Carousel is having an open house on Wednesday, July 22, 2015. Councilors are asked to be at City Hall by 6:10 p.m. and ride the trolley to the event.

CITY MANAGER REPORT

There was no additional report.

ADJOURNMENT

There being no other business, the meeting was adjourned at 5:34 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager

CITY OF ALBANY
CITY COUNCIL
Council Chambers
333 Broadalbin Street SW
Wednesday, July 22, 2015
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

ROLL CALL

Councilors Present: Mayor Sharon Konopa and Councilors Floyd Collins, Bill Coburn, Bessie Johnson, Rich Kellum, Ray Kopczynski, and Dick Olsen

Councilors Absent: None

SCHEDULED BUSINESS

Business from the Public

Tom Cordier, 2240 NW Park Terrace, said a second reading of the ordinance granting an electric utility franchise and general utility easement is on the agenda, and he looks at that as a failure of process. While the City claims this is a second reading, he claims that it is a first reading because the ordinance has changed. The other issue he wishes to speak to is the lack of transparency. The documentation indicates that compensation paid to the City will increase 2 percent; however, raising the City fee from 5 percent of gross revenue to 7 percent is actually a 40 percent increase in the amount paid to the City. He said it looks like the City is trying to hide something and he doesn't think that is right. He said, that 40 percent increase means something to some people. He is opposed in general to sales tax, and in particular he is opposed to targeted regressive sales tax, which he thinks this is. He encouraged the City Council to hold a hearing and see how people feel about what he believes is a 40 percent increase in the portion of the electric bill that goes to the City.

Second Reading of Ordinance

Granting an electrical utility franchise and general utility easement.

Konopa said two versions of the ordinance are on the dais (see agenda file). The original version has already had a first reading.

MOTION: Councilor Bill Coburn moved to have a second reading of the original ordinance. Councilor Dick Olsen seconded the motion, and it passed 6-0.

City Attorney Jim Delapoer read the ordinance for a second time in title only: AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE (AMC) CHAPTER 3.04, PRIVILEGE TAX – ELECTRICAL POWER AND LIGHT BUSINESS; GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO PACIFICORP; AND DECLARING AN EMERGENCY.

MOTION: Coburn moved to adopt the ordinance. Councilor Ray Kopczynski seconded.

Councilor Rich Kellum said he explained at the Work Session that he thinks the emergency clause is used too much and that it should only be used when there is a real emergency. Konopa noted that Council has agreed to look at this issue.

The motion passed 5-1 with Kellum voting no, and was designated Ordinance No. 5855.

Delapoer said staff will bring back an amendment that will put the adopted ordinance in the proper place in the Albany Municipal Code and make clear that the privilege tax section will no longer apply to PacifiCorp.

City Manager Wes Hare referred to testimony about the financial impact of the change, and he clarified that for a \$100 electrical bill, the old rate resulted in a fee of \$5 and the new rate will result in a fee of \$7. A customer paying \$100 per month will pay \$24 more per year for the fee. The City has in no way tried to conceal the fee, and it is clearly laid out on the bills.

Adoption of Resolution

Accepting state grant agreement #30410, Bus and Bus Facility (FTA Section 5339 Capital Project) for the purchase of a transit bus for the Linn-Benton Loop.

Interim Public Works Operations Director Chris Bailey said Transit staff applied for a Federal Transit Administration grant for a replacement bus for the Linn-Benton Loop, and the State awarded the grant. Approval of this item will allow staff to accept the grant, purchase a new transit bus, retire a very-old bus, and put a less-old bus into backup service. These funds won't be budgeted for expenditure until Fiscal Year 2016-2017.

MOTION: Kopczynski moved to adopt the resolution. Councilor Floyd Collins seconded the motion, and it passed 6-0 and was designated Resolution No. 6443.

Adoption of Consent Calendar

- 1) Approval of Minutes
 - a) June 10, 2015, City Council Regular Session
 - b) June 22, 2015, City Council Work Session
- 2) Approving annual liquor license renewals
- 3) Accepting the following easements:
 - a) A 2.5-foot sidewalk easement on the west side of North Albany Road as part of ST-13-03, North Albany Road Reconstruction project RES. NO. 6444
 - b) Two ten-foot utility easements for City of Albany utilities as part of the SS-15-02, 2015 Pipe Bursting projects:
 1. 11S04W12DB 07900 RES. NO. 6445
 2. 11S04W12DB 08000 RES. NO. 6446

MOTION: Coburn moved to adopt the Consent Calendar. Olsen seconded the motion, and it passed 6-0.

Award of Contracts

Professional services agreement for owner's representative for fire and police stations project.

Engineering Manager Stacy Belcastro reviewed the staff report. Staff recommends that Council award a professional services agreement for owner's representative in the amount of \$275,000 to David Evans and Associates, Inc. The need for an owner's representative was identified during the needs assessment, which was completed during the preliminary design phase for the fire and police stations.

MOTION: Kopczynski moved to approve the requested action. Kellum seconded the motion.

Collins asked how this compares to the amount paid for similar services for the Library. Hare said staff could be asked to provide that information. Collins said his issue is with the State statute on how we acquire these services, by putting out a Request for Qualifications without knowing the price until we get into negotiations. He encourages continued work with the League of Oregon Cities to get that system changed in the future. He objects to the underlying statute but not to the requested action.

VOTE: A vote was taken on the motion and it passed 6-0.

Professional services contract for architecture and engineering services for fire and police stations project.

Belcastro said staff recommends Council award a professional services contract for Phase II -- Design Development and Phase III -- Construction Services in the amount of \$1,564,480 to Mackenzie.

Collins asked if the contract amount is a not-to-exceed value. Belcastro said yes, all billings are on a time and materials not-to-exceed basis.

MOTION: Collins moved to approve the requested action. Councilor Bessie Johnson seconded the motion and it passed 6-0.

Approval of Contract Increase

Contract increase in excess of ten percent (10%) to Pacific Excavation for SS-15-03, Century Drive Lift Station Improvements.

Belcastro said staff recommends that Council approve a construction contract increase in excess of 10 percent to Pacific Excavation for the Century Drive Lift Station improvements.

In response to inquiries from Council, Belcastro said that this was a case where the as-builts were inaccurate. The previous contractor is not the current contractor. Collins said this shows the value of having good as-builts.

MOTION: Kopczynski moved to approve the contract increase. Kellum seconded the motion, and it passed 6-0.

Approval of Agreement

Authorizing the Assistant City Manager/Chief Information Officer to continue to work under an existing intergovernmental agreement with Linn County Sheriff's Office (LCSO) to share in the purchase and upgrade of the City of Albany and LCSO Computer Aided Dispatch (CAD)/Record Management System (RMS) and Corrections System.

Assistant City Manager/Chief Information Officer Jorge Salinas gave a slide presentation and report on CAD/RMS Project Phase 1, a Request for Proposal process to identify qualified vendors to replace the CAD/RMS for both the Linn County Sheriff's Office and the City of Albany. The upgrade is needed because the current system is 25 years old and it is not compatible with Windows 8.1, to save time that officers currently spend making entries in multiple systems, and to address concerns that have been expressed by Council and others. In addition, the current Oregon Uniform Crime Reporting format is set to retire in 17 months.

Salinas said that, in evaluating the responding vendors, consideration was given to LCSO and City of Albany user and system requirements (30%), ease of use (20%), vendor interviews (10%), reference checks (15%), and cost (25%). The four vendors involved were PSSI, CMI, SunGard, and New World. SunGard and New World had the highest score in terms of system requirements and ease of use. CMI had the highest score in terms of cost; however, the system did not meet the requirements for the multi-jurisdictional approach. After a very detailed selection process, SunGard obtained the highest overall score and is the team's recommended vendor for LCSO and City of Albany CAD/RMS implementation. The forecasted project cost is \$1.3 million, of which LCSO's portion is \$684,000 and the City's portion is \$616,000. He reviewed the detail cost distribution and budget impact information as detailed in the written staff report. Staff is seeking council approval to continue work with LCSO under an existing Intergovernmental Agreement to share in the purchase and upgrade of the City of Albany and LCSO CAD/RMS and Corrections System. City of Albany funding for the project will come out of the Information Technology Equipment Replacement fund as a loan to the Fire Department and Police Department.

In response to an inquiry from Kopczynski, Salinas said the Linn County Commissioners have approved the request.

MOTION: Kellum moved to approve the requested action. Kopczynski seconded the motion.

Hare clarified that the motion will approve the City's expenditure of \$616,000 as its share of the new CAD/RMS system.

Kellum said he thinks the payoff in terms of officers' time will be substantial, in reducing the time required to enter information into multiple systems.

VOTE: A vote was taken on the motion and it passed 6-0.

Appointment

Appointing Denise Hughes-Tafen to the Human Relations Commission.

MOTION: Johnson moved to approve the appointment. Kopczynski seconded the motion, and it passed 6-0.

Report

November and December 2015 Council meeting dates.

Konopa referred to the staff memo and proposed Council meeting schedule for November and December 2015. There was consensus to adopt the schedule as presented.

BUSINESS FROM THE COUNCIL

Belcastro distributed and reviewed a memo dated July 21, 2015, regarding the vacation of a portion of Cathy Creek within City right of way (see agenda file). Staff recommends that Council initiate street vacation proceedings for the Police station project and direct staff to prepare the street vacation application. Initiating this street vacation facilitates coordination of the street vacation application with the conditional use application for the Police station. Initiating the street vacation is not a decision on the future street vacation application or the Police station conditional use application. It is recommended that any future decision to approve a street vacation be contingent upon approval of the Conditional Use application.

MOTION: Collins moved to initiate street vacation proceedings and direct staff to prepare a vacation application for a portion of Cathy Creek for the proposed police station. Kopczynski seconded the motion and it passed 6-0.

Johnson referred to a recent newspaper article about the City's new e-plan system, including how well it is working and how much money it may save in the future. She commended staff on getting that implemented.

Albany City Council
July 22, 2015

Kopczynski reported that he attended a very positive meeting yesterday with the Albany Visitors Association and some local hoteliers, as well as Sandy Roberts from the Albany Police Department. A lot of information was shared and another meeting is scheduled for late October.

NEXT MEETING DATE

Work Session: August 10, 2015
Regular Session: August 12, 2015

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix
Administrative Assistant

Wes Hare
City Manager



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Mario Lattanzio, Chief of Police 

DATE: August 19, 2015, for August 26, 2015, City Council Meeting

SUBJECT: Full On-Premises Sales, Change Ownership Liquor License Application for Brick & Mortar Cafe, LLC, dba Brick & Mortar Cafe, located at 222 First Avenue W.

Action Requested:

I recommend the Full On-Premises Sales, Change Ownership Liquor License Application for Brick & Mortar Cafe, LLC, dba Brick & Mortar Cafe, located at 222 First Avenue W, be approved.

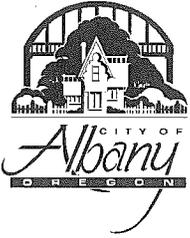
Discussion:

Lane, Katherine and Michael Brown on behalf of Brick & Mortar Cafe, LLC, have applied for a Full On-Premises Sales, Change Ownership, liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicants have no criminal record.

Budget Impact:

None.

MSR



TO: Albany City Council

VIA: Wes Hare, City Manager
 Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Staci Belcastro, P.E., Acting City Engineer *SB*

DATE: August 17, 2015, for the August 26, 2015, City Council Meeting

SUBJECT: Award of Bid for WL-15-01, Davidson Street Water Line

RELATES TO STRATEGIC PLAN THEME: • A Safe City

Action Requested:

Staff recommends that Council award this contract in the amount of \$469,699 to the low bidder, Tornado Soft Excavation, LLC of Independence, Oregon.

Discussion:

On Tuesday, August 4, 2015, bids were opened for WL-15-01, Davidson Street Water Line. There were five bids submitted for this project, ranging from \$469,699 to \$539,800. The Engineer's estimate was \$465,000. A bid summary is provided as Attachment 1.

Project Description

This project includes construction of approximately 780 feet of 30-inch ductile iron water line on Davidson Street as shown on the project vicinity map provided as Attachment 2. In addition to water line construction, this project includes installation of water services, meters, fire hydrants, and related appurtenances. The construction of the new water line will replace deteriorated and undersized water lines, thereby increasing system reliability and reducing the number of emergency responses required to fix leaks. Replacement with a large diameter water main was recommended in the Water Facility Plan to support the future completion of the Central Albany Transmission Main Project.

Summary of Total Estimated Project Cost

Based on the project bid and anticipated related costs, a summary of the total estimated project cost is shown in the following table. The amounts have been rounded to the nearest \$100.

Project Components	Estimated Cost
I. Costs	
a. Design Engineering	\$16,000
b. Construction Inspection	\$22,400
<i>Engineering Subtotal</i>	\$38,400
II. Construction Costs	
a. Construction Contract	\$469,700
b. Contingency	\$47,000
<i>Construction Subtotal</i>	\$516,700
<i>Total Estimated Project Cost</i>	\$555,100
<i>Project Budget</i>	\$528,000
<i>Under/(Over) Project Budget</i>	(\$27,100)

Albany City Council

Page 2

August 18, 2015, for the August 26, 2015, City Council Meeting

Budget Impact:

There are adequate funds in water capital reserves to cover costs over the budgeted amount. Approximately \$47,000 of the estimated total project cost is contingency funds that are held to deal with changed conditions during construction. While these funds may be required to complete the project, if changes are minimal, much of the \$47,000 could be saved thus reducing total project cost impacts.

This project will be funded from the Water System Capital Fund (615-50-2308).

LS:kw

Attachment



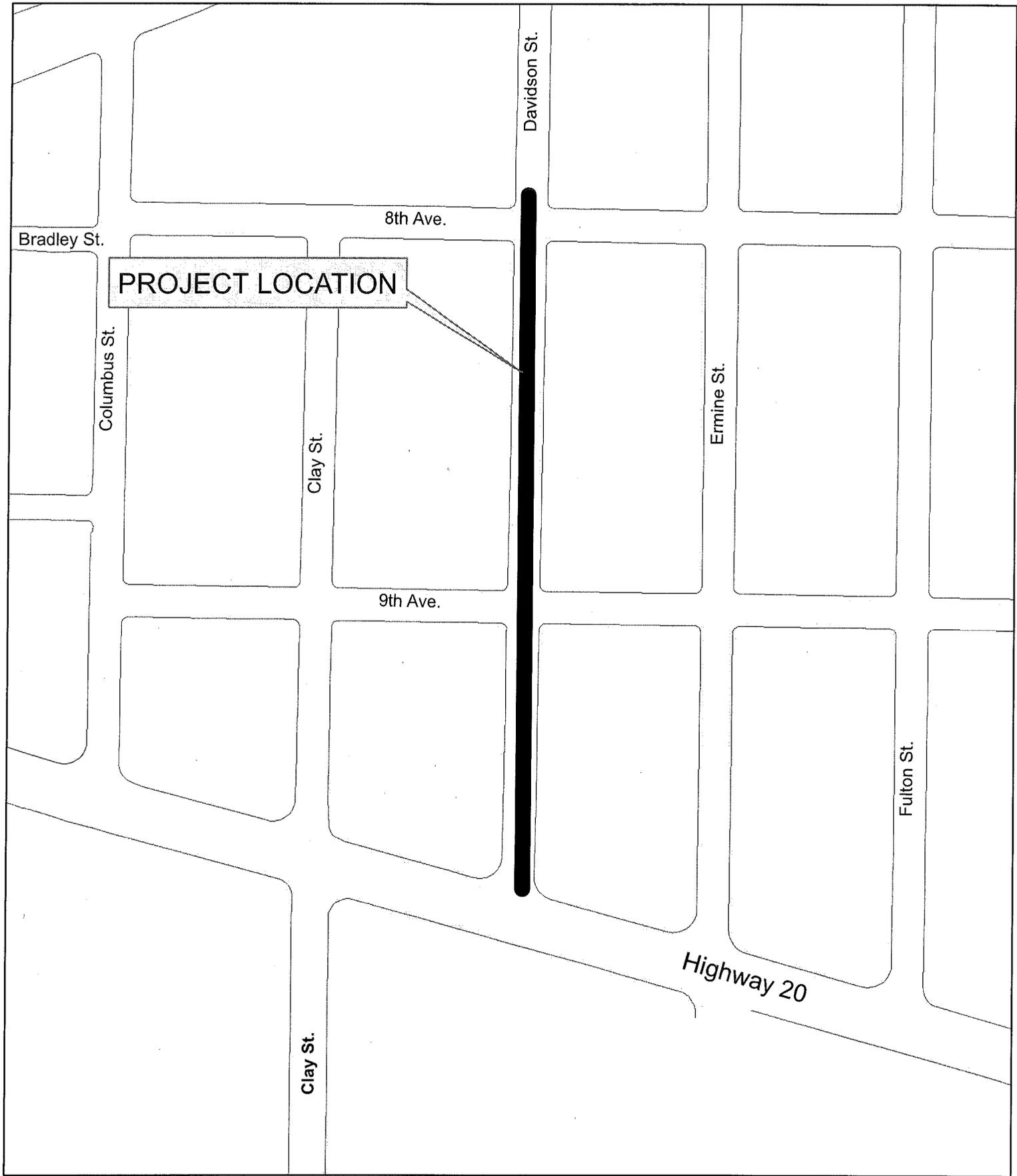
CITY OF ALBANY, OREGON
Public Works Department

Construction Contract Bids

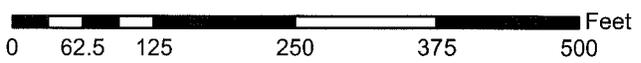
Project: WL-15-01, Davidson Street Water Line

Bid Opening: Tuesday, August 4, 2015

Engineer's Estimate	Tornado Soft Excavation LLC (Independence, OR)	Pacific Excavation, Inc. (Eugene, OR)	North Santiam Paving Co. (Stayton, OR)	Emery & Sons Construction Group (Salem, OR)	Trench Line Excavation, Inc. (Corvallis, OR)
\$465,000	\$469,699	\$471,045	\$479,855	\$528,775	\$539,800



ATTACHMENT 2
WL-15-01, DAVIDSON STREET WATER LINE
PROJECT VICINITY MAP





TO: Albany City Council

VIA: Wes Hare, City Manager
Jeff Blaine, P.E., Interim Public Works Engineering and Community Development Director *JB*

FROM: Staci Belcastro, P.E., Acting City Engineer *SB*

DATE: August 18, 2015, for the August 26, 2015, City Council Meeting

SUBJECT: Engineering Services Contract Increase – Murray Smith & Associates Inc.
W-12-02, Albany-Millersburg Water Treatment Plant Sand Removal

RELATES TO STRATEGIC PLAN THEME:

- A Safe City
- An Effective Government

Action Requested:

Staff recommends Council approve a consultant contract amendment to Murray Smith & Associates, Inc., for W-12-02, Albany-Millersburg Water Treatment Plant (AM WTP) Sand Removal.

Discussion:

Project Description

This project is to design improvements at the AM WTP to remove sand and sediment prior to raw water entering the filter membranes. The filter membranes become clogged with sand from the Santiam River on a regular basis and must be flushed frequently; this frequent flushing reduces the capacity of the water treatment plant. Currently there is only one sand classifier that removes sand and sediment from the raw water. Construction of a second sand removal system will expand capacity and allow plant operations to continue if a classifier is out of service or requires maintenance.

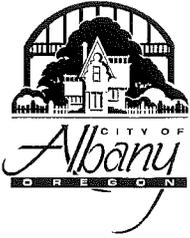
Staff requested proposals from three consultant firms to provide design services for sand removal improvements at the AM WTP. A contract in the amount of \$39,863 for pre-design services was awarded administratively to Murray, Smith & Associates following a review process to select a consultant engineering firm. Council award was not necessary because the pre-design contract was less than \$150,000. A contract for design and construction engineering was not awarded at that time because a pre-design effort was required to review the effectiveness of the existing sand classifier, evaluate alternates for optimum sand removal, and develop an estimated construction cost for the selected sand removal alternative. The pre-design effort has been completed and Murray, Smith & Associates is ready to move forward with design.

Per AMC 2.66.040, Council approval is required for any contract with a value in excess of \$150,000. Their cost proposal to complete design and construction engineering is \$219,592.

Budget Impact:

There are adequate funds in the project budget to pay the \$219,592 to complete design through this engineering services agreement amendment. The funding for this amendment will be from Water System Capital Projects (615-50-2308).

SB:kw



TO: Albany City Council
VIA: Wes Hare, City Manager
FROM: Ed Hodney, Director of Parks and Recreation *EH*
DATE: August 19, 2015, for the August 26, 2015 City Council Meeting
SUBJECT: Discussion of changes to AMC Chapter 2.96, One Percent for Art
RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods

Discussion:

At the work session on August 10, 2015, Councilors discussed the application of One Percent for Art ordinance to large projects like the new police and fire stations and requested this topic be placed on the next available meeting agenda.

A copy of Chapter 2.96 has been included in your packet. Staff will be prepared to address your questions at the meeting. Additionally, members of the Albany Arts Commission may also be in attendance.

Budget Impact:

None

Attachment: AMC 2.96, One Percent for Art

**Chapter 2.96
ONE PERCENT FOR ART**

Sections:

2.96.010 One percent for art.

2.96.020 Exclusions.

2.96.030 Acquisitions.

2.96.010 One percent for art.

(1) All appropriations for the construction or alteration of any building of the City of Albany, except as exempted in AMC 2.96.020, shall contain an appropriation of one percent of the cost of the construction or alteration for the acquisition of works of art that may be an integral part of the building or may be capable of display in other City of Albany buildings.

(2) When it would not be appropriate to place works of art in a given City building or if artwork placed in that building could not be viewed by the general public, the funds required in subsection (1) of this section will be used to purchase works of art for placement in other City buildings or facilities that are open to the public. (Ord. 5385 § 1, 1998).

2.96.020 Exclusions.

The provisions of this section shall not apply to:

(1) Any construction, physical plant rehabilitation, improvement, or remodeling project that has an estimated cost of less than \$500,000.

(2) Indirect construction or alteration costs, such as inspection fees, professional services, interest under construction, advertising, furnishings, soil testing, construction permits, and legal fees.

(3) Remodeling or renovation projects in which more than 75 percent of the project cost represents improvements to mechanical or electronic systems.

(4) Projects for construction or alteration of motor pools, heating plants, parking lots, maintenance sheds, roads, bridges, sewer lines, rest room facilities at City parks, water lines, wastewater treatment plants, or water treatment plants.

(5) Construction projects that are under way upon adoption of the ordinance codified in this chapter. (Ord. 5385 § 1, 1998).

2.96.030 Acquisitions.

(1) The Albany Arts Commission or other person or agency selected by the Albany City Council, in consultation with the City Manager, the affected department or departments, and the architect for the particular building, shall determine the amount available for each City building, shall solicit proposals for suitable works of art, and shall contract for and purchase selected works of art for each City building constructed or altered after adoption of this section.

(2) The Albany Arts Commission or other person or agency selected by the Albany City Council shall be solely responsible for the placement and acceptance of all works of art acquired pursuant to this section.

(3) To the extent reasonable, the Albany Arts Commission or other person or agency selected by the Albany City Council shall consult with appropriate citizens groups and the affected City department or departments in determining the selection and placement of the works of art.

(4) Title to all works of art acquired pursuant to this chapter vests with the City of Albany. (Ord. 5385 § 1, 1998).