

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: November 4, 2019
Reviewed by: NA

SUBJECT: Ordinance No. 2019-09 Renaming the Traffic & Safety Commission to the Transportation Commission – First Reading

REPORT BY: Jeff Bond, Community Development Director

SUMMARY

The action before the City Council is an ordinance to update the Municipal Code changing the Traffic and Safety Commission to the Transportation Commission.

STAFF RECOMMENDATION

That the Council introduce for first reading Ordinance No. 2019-09, renaming the Traffic & Safety Commission to the Transportation Commission.

BACKGROUND

The current Municipal Code provisions related to the Traffic and Safety Commission were adopted in 1958, and provide little practical guidance to the operation of the Commission. At the City Council's recent strategic planning, work plan review, and advisory body discussions, the Council has requested the modernization of the Commission's Municipal Code provisions.

The Traffic & Safety Commission reviewed the draft ordinance at their July 25, 2019 meeting and moved to recommend the City Council to adopt an ordinance amending Section 2-20 of the Albany Municipal Code. The draft before the City Council incorporates comments made by the Commission.

DISCUSSION

The overall intent of the ordinance is to bring the Municipal Code into alignment with current Commission practices. The proposed ordinance provides summary statements of purpose, duties, and structure of the Commission. Included in the duties is that the Commission will serve as the City of Albany Active Transportation Advisory Committee (Bicycle and Pedestrian Advisory Committee), composed of both bicyclists and pedestrians who live or work in the City pursuant to Metropolitan Transportation Commission Resolution 4108 and City Council Resolution 2015-18.

The proposed ordinance also establishes an appeal process for any decision by staff or the Commission. This appeals process is patterned off the Planning and Zoning appeal process.

SUSTAINABILITY IMPACT

N/A.

FINANCIAL IMPACT

No fiscal impact.

Attachments

1. Ordinance No. 2019-09

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ORDINANCE NO. 2019-09

AN ORDINANCE OF THE ALBANY CITY COUNCIL RENAMING THE TRAFFIC AND SAFETY COMMISSION TO THE TRANSPORTATION COMMISSION

WHEREAS, current Municipal Code provisions related to the Traffic and Safety Commission were adopted in 1958; and

WHEREAS, the City Council in its periodic strategic planning and work plan review processes requested modernization of the Commission’s Municipal Code provisions; and

WHEREAS, changing the Commission name to the “Transportation Commission,” better reflects the scope of Commission activities and is similar to the name used by other municipalities.

NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: CHAPTER 2 OF THE ALBANY MUNICIPAL CODE, SECTION 2-20 TITLED “TRAFFIC AND SAFETY COMMISSION” IS HEREBY DELETED IN ITS ENTIRETY:

~~**2-20 TRAFFIC AND SAFETY COMMISSION.**~~

~~**2-20.1 Created; Composition.**~~

~~There shall be and hereby is created a Traffic and Safety Commission within the City. There shall be five (5) voting members of the Commission, with each member of the City Council having the power to appoint one (1) voting member to the Commission. (Ord. #60-010, §1; Ord. #71-024, §1; 1958 Code §20.9-1)~~

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2 **~~2-20.2 Ex Officio Members.~~**
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5 ~~Ex officio members of the Traffic and Safety Commission shall be the Chief of Police,~~
6 ~~the Fire Chief and the City Engineer. (Ord. #60-010, §2; 1958 Code §20.9-2)~~
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9 **~~2-20.3 Rules of Conduct and Procedure.~~**
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11 ~~Rules of conduct and procedure for the Traffic and Safety Commission may be prepared~~
12 ~~by the Commission and shall become effective upon approval by the Council of the City. (Ord.~~
13 ~~#60-010, §3; 1958 Code §20.9-3)~~
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15 **SECTION 2: CHAPTER 2 OF THE ALBANY MUNICIPAL CODE, SECTION 2-20**
16 **TITLED “TRANSPORTATION COMMISSION” IS HEREBY ADDED AS FOLLOWS:**
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18 **2-20 TRANSPORTATION COMMISSION**

19 **2-20.1 Purpose.**
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21 A Transportation Commission is hereby established to advise the City Council on transportation
22 policy and project planning and design on city owned right-of-way. The Transportation
23 Commission will strive to take into consideration mobility, safety, sustainability, accessibility,
24 and equity when making decisions or recommendations.
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26 **2-20.2 Duties.**
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28 The Transportation Commission shall have the following duties:

- a. Serve as the advisory body to the City Council on matters related to transportation planning and policy, including: transportation elements of the General Plan; transportation improvement projects in the Capital Improvement Program; public transit service in the City; planning and design of bicycle, pedestrian, and motor vehicular facilities; and streetscape improvements on City owned right-of-way;
- b. Serve as a decision-making body on transportation-related matters as may be requested by the City Council or required by the Municipal Code;
- c. Provide transportation-related policy and project support to other City committees and commissions;
- d. Serve as the City of Albany Active Transportation Advisory Committee (Bicycle and Pedestrian Advisory Committee), composed of both bicyclists and pedestrians who live or work in the City pursuant to Metropolitan Transportation Commission Resolution 4108 and City Council Resolution 2015-18, as may be amended from time to time; and
- e. Perform such other duties as may be requested by the City Council or identified in the Municipal Code.

2-20.3 Commission Structure.

- a. The Commission shall consist of five members with each member of the City Council having the power to appoint one member to the Commission;
- b. The Commission shall have a Chairperson and a Vice-Chairperson who shall be members of the Commission;

1 c. The Chairman and Vice-Chairman shall rotate per the Advisory Body rules
2 and procedures; and

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5 d. The City Manager shall designate a staff liaison to the Commission.

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7 **2-20.4 Meetings, Generally.**

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10 a. *Regular Meetings.* The City Council shall establish by resolution the schedule
11 for regular public meetings of the Transportation Commission. A meeting may be
12 canceled or rescheduled for lack of quorum or other reasonable cause.

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14 b. *Meeting procedures.* The Transportation Commission shall follow the
15 provisions of State Law, the City Charter, the Municipal Code or other such laws,
16 regulations, or City policies or procedures that govern the conduct of public meetings and
17 advisory bodies.

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19 c. *Quorum.* Three (3) voting members shall constitute a quorum.

20 d. *Public Notice.* The Transportation Commission shall establish by resolution
21 procedures for public notice of agenda items.

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23 **2-20.5 Appeals.**

24 a. **Purpose.** This subsection establishes general provisions for appeals and a
25 hierarchy of appeals, consistent with the decision-making process.

1 **b. Authorization for Appeal.** As described in Section 2-20.5.C (Rights of Appeal)
2 administrative decisions of the staff may be appealed to the Transportation Commission, and
3 decisions of the Transportation Commission may be appealed to the City Council.
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6 **c. Rights of Appeal.**

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8 **1. Administrative Actions Appealable.** Any person aggrieved by a decision
9 to grant or deny a permit or action taken by a City Official under the provisions of
10 Section 14-2 (Use of Right-of-Way), or any person aggrieved by an administrative
11 determination or interpretation made in conjunction with a decision to grant, deny, or
12 comply with a determination made pursuant to a provision of Section 14-2 (Use of Right-
13 of-Way), may appeal such action to the Transportation Commission.
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15 **2. Transportation Commission Action Appealable.**

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17 **a.** Any person aggrieved by an action taken by the Transportation
18 Commission under the provisions of this Chapter may appeal such action to the
19 City Council. Notice of Appeal should clearly and concisely set forth the grounds
20 upon which the appeal is based, and be accompanied by the required fee.

21 **b.** City Council members: A member of the City Council may call up
22 any action of the Transportation Commission for review one time per calendar
23 year without being considered an aggrieved person. If a Councilmember requests
24 review, there should be a presumption applied that the reason for the review is
25 that the action has significant and material effects on the quality of life within the
26 City of Albany. No inference of bias shall be made or implied due to such a
27 request for review being filed by a Councilmember. The appeal fees shall be
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1 waived to a maximum of one request for review per Councilmember, per calendar
2 year.

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5 **d. Time Limit and Initiation of Appeals.** In order to initiate an appeals process, the
6 person(s) who wish(es) to file an appeal must complete and submit an appeal application within
7 fourteen (14) calendar days following the date of the action or determination being appealed and
8 pay the required fee, except Council members who are entitled to a fee waiver as per subsection
9 2-20.5.C.2.b. The appeal shall be filed with the staff/clerk of the appropriate appellate body.

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11 1. **Grounds for Appeal.** The application shall state the specific grounds for
12 the appeal. These may include:

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14 a. A description of the asserted error or abuse of discretion by the body
15 whose decision is being appealed;

16 b. A description of how it is claimed a standard or review criteria was
17 incorrectly applied;

18 c. A description of how the decision is not supported by the evidence in
19 the record; or

20 d. A description of how the decision creates an inconsistency with the
21 Albany General Plan or the Albany Municipal Code.

22 2. **Limitations on Initiation.** Any action or inaction of the Transportation
23 Commission on an appeal may be appealed to the City Council. Any action or inaction of
24 the City Council on an appeal shall be final.

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26 **e. Procedures:** The following provisions shall be applied:
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1 1. **Scheduling an Appeal Hearing.** Within 30 days of filing, a hearing date
2 shall be scheduled. Notice shall be provided in the same manner as required when the
3 matter was originally scheduled for hearing or as otherwise required by law. The appeal
4 hearing shall be heard where feasible within sixty (60) days following the filing date of
5 the appeal.

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8 2. **Procedural Requirements for the Appeal Hearings.** At the appeal
9 hearing, the applicant and the appellant shall have an opportunity to comment on the
10 application, the information in the record, the action, and the appeal.

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12 3. **Action on Appeals.** In reviewing an appeal, the Transportation
13 Commission or the City Council shall act in accordance with the following provisions:

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15 a. **Allowable Actions:** The Commission or the Council shall either
16 affirm, affirm with modifications, reverse the action being appealed, or make such
17 other decisions or determinations or impose such other conditions as are
18 appropriate, including returning the matter to the original decision making body
19 or person.

20 b. **No Action:** The power to make a decision shall also include the
21 power to take no action. Inaction shall be interpreted as an affirmation of the
22 previously rendered decision. A tie vote shall mean that no action is taken and
23 shall result in the affirmation of the previously rendered decision.

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25 f. **Standards.** When reviewing any decision of the Transportation Commission on
26 an appeal, the City Council shall use the same standards for decision making as the
27 Transportation Commission and is required to make findings in accordance with the Municipal
28 Code. The Council may adopt the Transportation Commission's decision and findings as its own.

1 In either case, the City Council shall have the option to prepare a resolution stating the Council's
2 decision or shall render its decision by minute action.

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5 g. **Effective Date.** Appeal decisions of the Transportation Commission shall become
6 effective fourteen (14) calendar days following the decision, unless a second appeal has been
7 filed. Appeal decisions of the City Council shall become effective on the date of the decision.

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9 **SECTION 3: PUBLICATION AND EFFECTIVE DATE.**

10 This ordinance shall be posted at three public places within the City of Albany and shall
11 become effective thirty days after the date of its posting.

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13 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
14 the ____ day of _____ 2019, by the following vote:

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16 AYES:

17 NOES:

18 ABSENT:

19 ABSTAIN:

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21 _____
22 ROCHELLE NASON, MAYOR
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