

**6-2. Public Hearing to consider Proposed Zoning Ordinance Section 20.40: Housing Provisions, including related Definitions in Section 20.08.**

height and variances and asked who makes the decision on what is considered low income. The Interim Planning Manager responded it is based on State standards and levels set by the County regarding median income. Asked that the third paragraph in Section 20.40.040 regarding exemptions be deleted. The Interim Planning Manager agreed noting that this is a non-essential paragraph. Council agreed to delete that section.

Suggested that very high buildings be avoided and that the developer should have to request a concession or waiver. Asked what the nexus was between density bonus and concessions and the Interim Planning Manager responded that a concession is not granted without achieving the maximum density.

Suggested that the burden should be placed on the developer regarding the waivers and reductions. The title of Section 20.40.50 may be confused with other uses of the term “development standards”. The Interim Planning Manager suggested that the title be changed to Development Criteria.

Third section discussed.

Section 20.40.050. Development Standards. Council supported the standards with title change.

Section 20.40.060. Disabled Persons Housing. Council supported the disabled provisions.

Section 20.40.070. Emergency and Transitional Housing. Council supported the emergency and transitional guidelines.

20.08. Definitions: Council supported the housing definitions.

Mayor Good closed the public hearing.

Staff discussed the changes that have been proposed and it was decided that the ordinance would be approved for first reading with the changes noted and that staff will bring back the changes in the second reading of the ordinance.

Council Member Javandel presented Resolution #05-48 – A Resolution of the Albany City Council Adopting a Negative Declaration Regarding Environmental Effects of Proposed Amendments to the Albany Zoning Ordinance to Add Provisions for Housing.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Maris to approve Resolution #05-48.

AYES: Council Members Javandel, Lieber, Maris, Okawachi & Mayor Good

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Javandel introduced Ordinance #05-06 – An Ordinance of the Albany City Council Amending Chapter XX, Planning & Zoning, of the Albany Municipal Code to Add Provisions on Housing. First Reading.

**MOTION:**

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Javandel and seconded by Council Member Maris to approve Ordinance #05-06 for First Reading with the changes made during the public hearing.

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**ON THE QUESTION:**

Council Member Maris stated that the language in the Ordinance is as strong as it could be. Mayor Good noted that he would be voting no on the Ordinance, as he objects to the in-lieu fees.

**VOTE ON THE MOTION:**

AYES: Council Members Javandel, Lieber, Maris & Okawachi

NOES: Mayor Good ABSENT: None

Motion carried and so ordered.

**7. UNFINISHED BUSINESS**

**7-1. Allocation of additional Measure F and Measure R Funds for the Rehabilitation Projects at Memorial, Ocean View and Terrace Parks and Update on the Terrace Park Community Room**

(File #920-60 & 320-55)

Mayor Good stated that because he lives within 500' of Memorial Park he would be recusing himself and left the Council podium.

The Public Works Manager reported that on October 17, 2005, the Council approved conceptual designs for the park elements that were identified for replacement or rehabilitation at Memorial, Ocean View and Terrace Parks. Council requested that staff return with a report outlining the costs and budget for these projects.

The Park & Recreation Commission has recommended that Council allocate additional funds needed for this project from Measure F reserve for parks projects and Measure R reserve for ball fields and from the Measure R allocation for Pierce Street Park. In addition, the Commission directed staff to meet with the Terrace Park neighbors to determine what the neighbors and City needs will be for the proposed community room. The Public Works Manager announced that a meeting has been scheduled for November 16, 7:00 p.m., at the Senior Center.

The Public Works Manager stated that the initial estimate for the construction costs for this project ranged between \$2.14 million to \$3.12 million including costs for both ball field and non-ball field related elements. The new estimate, based on the options chosen by the Council for each park element totals \$2.9 million and includes \$200,000 for the Terrace Park community building and restroom and \$57,047 for public art.

The current available construction funding for the "non-ball field related" projects is \$1,425,029. The new estimated construction costs for these park features totals \$1,913,683, which results in a shortfall of \$488,654. The Commission recommends that Council allocate \$44,654 from the Measure F reserve, which would leave a balance of \$673,808 that may be needed for fund change orders, cost overruns, etc.

The current available funding for the "ball field related" projects is \$250,951 with the new estimated construction costs totaling \$995,690, which results in a shortfall of \$744,739. The Commission recommends that the Council allocate the remaining

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\$650,000 from the Measure R reserve and \$94,739 from the Measure R allocation for the future Pierce Street Park. This action will deplete the Measure R reserve for Sports Fields and will leave a balance of \$310,854 in the Measure R Pierce Street Park fund.

Council Member Lieber stated that he has three concerns: 1) That no toxic chemicals be used to maintain the area and that local plants be planted that are sustainable. 2) The community gardens should have an area designated and that connections be put in for water and that Memorial Park should also have a community garden. 3) The trees at Ocean View Park have a little thinning done and not remove all the trees.

Mr. Geoff Piller, Park & Recreation Commission, went over the proposed budget and noted that there is a meeting with the City Arborist on November 21 to discuss the tree issue and also reiterated the public meeting at the Senior Center on November 16, 7:00 p.m. to discuss the community building at Terrace Park.

Council Member Okawachi asked if the City had contacted Waste Management Authority for a green building grant and if not encouraged staff to apply. Council Member Okawachi also objected to the removal of 26 trees but agreed it the area did need thinning. Council Member Okawachi asked if staff was aware of an encroachment permit at Terrace Park and staff responded that they did not know anything about it but would check into it.

Council Member Javandel also agreed that all the trees should not be removed but that they should be pruned. Council Member Javandel stated that he would like to see plumbing lines installed for the community gardens and supported a grant from Waste Management for a grant for a green building at Terrace Park. Council Member Javandel asked that fencing be installed around the playground equipment at Ocean View Park.

The Public Works Manager stated that the City would not be planting exotic plants and noted that sustainable plants are usually less expensive. In response to community garden areas in each Park noted that this should not be a problem and could be included without much construction.

The Public Works Manager noted that regarding sustainable landscaping he would suggest that the City hire an independent contractor who is knowledgeable in sustainable landscaping to review the City's plan.

The following people spoke: Mr. Leon Rimov, Albany resident; Ms. Nan Wishner, Albany resident; Ms. Alison Seaback, Albany resident; Mr. Roger Carlsen, Albany resident; Ms. Mara Duncan, Albany resident; Resident of Francis Street; Ms. Kim Linden, Albany resident; Ms. Susan Arnold, Albany resident.

A summary of the comments is as follows: Noted the need for a bathroom at Terrace Park. Expressed concern that the City not remove all the trees at Ocean View and agreed that thinning is the best solution. Urged the Council not to use any chemicals on the maintenance of the parks. A comment was given that not all chemicals are bad and that the use should not be ongoing but only when it is absolutely necessary. Asked that fencing be put in not only at Ocean View but also at Memorial Park. Asked who would determine when it was absolutely necessary to use chemicals. Expressed concern

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about the proposed community building at Terrace Park and is unclear about the proposed use. Noted sustainable buildings are a great idea, as long as the residents know they need to be involved to help with the green building. Expressed concern about the sandbox at the Tot Lot noting that it is not a clean area.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Javandel to continue the meeting past 11 p.m. for 15 minutes.

Motion carried

Council Member Lieber asked that the building be more defined and that the City not use portables. That the issue of the community room at Terrace Park be revisited after the community meeting and that input is reviewed. The City Administrator recommended that the community building be left in the budget at this time.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Javandel to approve staff's recommendation, as follows: Approve the recommendation of the Park & Recreation Commission that the City Council allocate an additional \$488,654 from the Measure F reserve for parks projects and \$744,739 from Measure R Ball Field funds for the park rehabilitation projects at Memorial, Ocean View and Terrace Parks.

AYES: Council Members Javandel, Lieber, Maris & Okawachi

NOES: None

Absent: None

RECUSED: Mayor Good

Motion carried and so ordered.

**7-2. Panhandling in Albany**

(File #585-25)

The Assistant City Administrator reported that the issue of panhandling was referred to the Social & Economic Justice Commission by the City Council. The Commission discussed this issue and recommend that the City Attorney be directed to draft an ordinance to control aggressive panhandling in the City.

The City Attorney and the Chief of Police were present at the Commission's meeting and noted the limitations in effectiveness of any ordinance but agree that having an ordinance specific to aggressive panhandling would be useful in restricting at least some of the objectionable behaviors.

**MOTION:**

Moved by Council Member Maris, seconded by Council Member Javandel to direct the City Attorney to prepare an ordinance to control aggressive panhandling in the City.

Motion carried and so ordered.