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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, FEBRUARY 19, 2008

8:00 p.m.

Mayor Lieber, who led the Pledge of Allegiance to the Flag, called the regular meeting of the Albany City Council to order on the above date.

ROLL CALL

Present: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Charles Adams, Finance Director; Penelope Leach, Recreation & Community Services Director; Jeff Bond, Planning Manager.

3. CONSENT CALENDAR

(Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.)

3-1. Council Minutes, January 7 & February 4, 2008.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$191,960.55; taxes, benefits & withholdings in the amount of \$153,905.42. Total payroll in the amount of \$345,865.97. Payroll period: 02/01/08.

3. CONSENT CALENDAR

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,770,21; taxes, benefits & withholdings in the amount of \$43,881.59. Total payroll in the amount of \$100,651.80. Payroll period: 02/01/08.

Staff recommendation: Ratify.

- 3-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$327,772.09. Period: 02/08/08.
(File #300-40)

Staff recommendation: Ratify.

- 3-4.** Council Member Atkinson nominating Andrea Gardner, as her appointee to the Planning & Zoning Commission.

Staff recommendation: Ratify appointment.

- 3-5.** Request to temporarily close portions of Solano Avenue and Jackson Street on March 22, 2008, for the Albany Little League Parade.
(File #820-50)

Staff recommendation: Approve an Encroachment Permit and Parade Permit, at a no fee, to allow closure of Solano Avenue, between Key Route Boulevard and Jackson Street, and closure of Jackson Street, between Solano Avenue and Buchanan Street, from 9 a.m. to approximately 9:45 a.m. on Saturday, March 22, 2008 for the annual Albany Little League Parade.

- 3-6.** Resolution No. 08-8 – A Resolution of the Albany City Council Recognizing the Ocean View Community Garden.
(File #920-60)

Staff recommendation: Adopt Resolution No. 08-8.

- 3-7.** Confirmation of Continued Existence of a Local Emergency on the Albany Shoreline.
(File #520-30)

Staff recommendation: Confirm the continued existence of a local emergency pursuant to Resolution #07-69.

- 3-8.** Resolution No. 08-9 – A Resolution of the Albany City Council Authorizing the City Administrator to Award a Contract to DMJM Harris

3. CONSENT CALENDAR

in the amount of \$239,990 for Phase I of the Buchanan Bicycle/Pedestrian Path Project, Which Entails Development of 35% PS&E, Environmental Work and Traffic Analysis.
(File #600-30)

Staff recommendation: Adopt Resolution #08-9.

Mayor Lieber asked if anyone would like to remove any item for discussion. No items were removed.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to approve the Consent Calendar as submitted.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

4. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to three (3) minutes. The Brown Act limits the Council’s ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Mayor Lieber opened the Good of the City/Public Forum/Announcements and asked if Council had any announcements to make.

Council Member Atkinson announced the following: 1) Attended an Alameda County Leadership Conference at Santa Rita Jail and discussed homeland security and services that the County provides. 2) Urged people to sign up to be poll workers at the next election, as the County is having difficulty finding people.

Mayor Lieber announced the following: 1) Centennial kick-off on February 23, 2008, 1 – 5 p.m. Albany Veterans Memorial Building. 2) Spoke with the Chair of the Charter Review Committee regarding an agenda item on March 17 regarding a possible November ballot measure for an elected Mayor. 3) Continuing to speak with elected officials about the State aerial spraying program for the Apple Moth and is hopeful that the current course could be changed.

Council Member Okawachi announced the following: 1) Attended the County Library Board meeting where the 2008 goals were discussed and noted the County is fearful that the State will cut the budget due its budget problems.

The following people spoke: Ray Anderson, Albany resident. A summary of the comments is as follows: Spoke about the Chamber of Commerce and Historical Society centennial banner program and urged people to buy a banner to support the Chamber of Commerce.

There being no one else wishing to speak Mayor Lieber closed the Good of the City/Public Forum/Announcements.

5. PUBLIC HEARING

6. UNFINISHED BUSINESS

6-1. Interim Financial Report

(File #330-20)

The Finance Director reported that staff's review of revenue projections for FY 2007-08 indicates that revenues would be approximately \$13,650 below the June 2007 projection.

The Finance Director stated that the bottom line is favorable and no painful adjustments would be needed. However, staff did anticipate the down turn in the transfer tax and believe this will continue through the year. Also a drop in sales tax was not anticipated.

The Finance Director noted that the budget started out with full staffing but ended with some openings and some positions that were not filled. The Finance Director stated that the State budget is an unknown but it appears at this time that the State may take away the Gas Tax monies, which is approximately \$150,000.

The Finance Director reported that staff's review of expenditure projections for FY 2007-08 would be approximately \$16,820 below the June 2007 projection. It was noted that the largest change is an increase in the Professional Services budget and the budget for salaries has been reduced to reflect vacant positions.

The Finance Director stated that the increases and decreases to revenues, expenditures and transfers yield a net change in excess of revenue over expenditures of \$24,856 between the June 2007 and February 2008 revised budgets. If the budget results are achieved the excess of revenue over expenditures for the fiscal year would be \$27,137.

The increase of the General Fund operating reserves is in line with expressed City goal of maintaining adequate operating services. Adoption of the revised budget will enhance the usefulness of the budget, as a tool for controlling the financial affairs of the City.

Council Member Wile asked if there was a way for the City to put a cap on consulting services. The Finance Director responded that in the future he would be splitting the account into two accounts and would ask the Department Managers to provide clear information and better justification.

Council Member Atkinson noted that she was pleased to see the increase in the investment earnings and also expressed concern about the material and supplies budget. The Finance Director clarified the material and supplies noting it wasn't pens, paper, etc the cost was mostly in Public Works equipment for infrastructure repairs.

Mayor Lieber stated he was glad to see that Albany is looking good right now but everyone must be aware that things could change at the State level. Mayor Lieber asked for numbers for the handle at Golden Gate Fields and the Finance Director responded he did not have that information available at this time but would be looking at this during the next budget cycle.

Mayor Lieber asked when the City receives the money from Golden Gate Fields and the Finance Director responded it is received continually through the racing season. Mayor Lieber asked for clarification that the new IPM position was funded through the Council's discretionary budget and the Finance Director responded that was correct.

6-1. Interim Financial Report

The following people spoke: Allan Maris, Albany resident. A summary of the comments is as follows: Asked what big amounts of money come in throughout the year and whether the Redevelopment loan was being repaid.

The Finance Director responded that a big chunk of money comes from the business licenses and noted that the money from Golden Gate Fields varies due to the racing days. The Finance Director noted that the Redevelopment loan is being repaid.

Council Member Javandel presented Resolution #08-6 – A Resolution of the Albany City Council Revising and Approving the Fiscal Year 2007-08 City of Albany General Fund Operating Budget.

MOTION:

After reading the title, and waiving reading of the entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Okawachi to adopt Resolution #08-6.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Acquisition of the Albany Veteran's Memorial Building

(File #670-20)

The Recreation & Community Services Director reported that as directed by the City Council, staff and the Parks & Recreation Commission has been exploring the feasibility and determining the financial obligations resulting from acquiring the building.

To date meetings have been held with the County, the Albany Veterans and Alameda County Veterans and have received updated estimates to identify deficiencies in the building and lack of compliance with the California Building Code. Tours of the building have been conducted, as well as community meetings to gather input from Albany citizens. A draft MOU between the City and the Veteran's Building Committee has completed.

The Recreation & Community Services Director stated that if the Council wishes to proceed with acquisition a funding mechanism is needed for the renovation, as well as the possibility of ongoing operations and maintenance. The current cost estimate is approximately \$6.8 million and add to that the cost of plans, specs, engineering and any other soft cost the total cost is approximately \$10.2 million. The current estimated cost for operation and maintenance costs, including staffing for programs at the facility is between \$155,000-\$175,000 per year, which will increase over time.

The City is investigating a number of different tax measure options, which will propose a tax mechanism that will cover Capital Improvements to the building, as well as providing an ongoing source of income that could be used for maintenance and operations. Whatever tax option is used, the estimated cost per household is between \$130-\$150 per year. The next opportunity for a tax measure on the ballot is November, 2008.

6-2. Acquisition of the Albany Veteran's Memorial Building

The Recreation & Community Services Director noted that staff is recommending \$2,500 to launch a campaign to raise awareness regarding the benefits to the City for acquiring the Veteran's Building and to conduct a survey in an effort to gain updated information on the desire of the homeowner to acquire the building and pay for the renovations via a tax measure.

The Recreation & Community Services Director stated that user groups are continuing to use the building but noted that the building is not ADA compliant or seismically retrofitted.

Council Member Javandel stated that he wants to make sure that the meeting room that is currently used by the Veterans would still be available to them. Mayor Lieber stated that it is Federal mandate that the Veterans are given a place to hold their meetings.

Council Member Atkinson asked about the second floor of the building and whether it could be renovated for use and noted that many people in the City are under the impression that the City does own the building.

Mayor Lieber stated that he hopes this project happens in his lifetime and spoke about retiring bonds that could be added onto for the acquisition of the Veteran's Building. Mayor Lieber noted that the Albany School Superintendent told him that the School District is interested in acquiring the building.

Council Member Okawachi stated that she also spoke to the School Superintendent about the idea of a joint venture on this building. Council Member Okawachi also expressed concern that the Boy Scouts are using this building even though it is not seismically safe.

The following people spoke on this issue: Francesco Papalia, Albany resident; Caryl O'Keefe, Albany resident; Mara Duncan, Albany resident.

A summary of the comments is as follows: Spoke about the different options for a tax and noted that it is better for the homeowner to have a parcel tax versus an ad valorem tax. Expressed concern with the idea of purchasing the building and noted that a survey should include statistical significance. Pleased to hear that other groups may be interested in partnering with the City. Expressed support for the acquisition and asked the City to make it very clear to the residents that Albany does not own the building. Also asked that if a tax measure is approved that there is a low-income exemption included.

Council Member Atkinson stated that she would like to see the Veteran's Building used for theatre noting there are many children at the High School who are not involved in athletics but do participate in the theatre.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to direct staff to develop a high profile outreach campaign to ascertain current information regarding Albany residents' interest in acquiring the Veteran's Memorial Building and funding the renovations needed for the building via a tax measure. Approved the amount of \$2,500 to be used for the outreach.

6-2. Acquisition of the Albany Veteran’s Memorial Building

AMENDED MOTION:

Moved by Council Member Atkinson, seconded by Council Member Okawachi to amend the motion to change the amount of funds up to \$4,000.

ON THE QUESTION:

Council Member Javandel stated that he supports keeping the amount to be used at \$2,500.

VOTE ON AMENDED MOTION:

AYES: Council Members Atkinson, Okawachi & Mayor Lieber

NOES: Council Members Javandel & Wile ABSENT: None

Motion carried and so ordered.

7. NEW BUSINESS

7-1. Public Art in the Remodel of the Police, Fire & City Hall

The City Administrator reported that the Arts Committee has requested that Council provide for the inclusion of public art in the upcoming remodel of the Police, Fire and City Hall remodel.

In 2007, the Council adopted an ordinance establishing an “Art in Public Places Program”, which requires certain public and private construction projects to include public art elements and/or set aside a certain percentage of the project budget for public art.

Council discussed the idea of establishing one percent of the Public Safety/Civic Center project construction estimate for an arts component in the project. However, at that time the majority of the Council Members indicated their concern about the overall project costs and their preference to consider the matter of including public art once the project costs were clearer.

Peter Goodman, Chair Arts Committee, stated that there is a lot of support in the City for public art and believes the remodeled Civic Center should have some art included.

Council Member Javandel agreed that it is a good idea but expressed concern for the source of funding.

Mayor Lieber also supported the request noting that the Council should honor its ordinance and noted that maybe this should be continued until the bids come in but would support one percent tonight if the Council agrees.

Council Member Okawachi agreed that art should be included and also expressed concern about the funding source and would prefer to wait until the bids come in.

The following people spoke: Caryl O’Keefe, Albany resident; Allan Maris, Albany resident; Mara Duncan, Albany resident; Peter Goodman, Albany resident.

A summary of the comments is as follows: Believes that the Ordinance requires the developer to pay for the art and not the taxpayers. Expressed concern about using Measure C funds to pay for art and noted that the measure spoke to green building elements. Asked that the art should include some of the social justice issues. Noted that

7-1. Public Art in the Remodel of the Police, Fire & City Hall

a developer can opt to put money into a fund to be used for public art and maybe that is where the City could get the money needed.

MOTION:

Moved by Mayor Lieber, seconded by Council Member Atkinson to continue this item until the City receives the bids and then bring this back to Council.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Lower Codornices Creek Phase 3 Restoration Project

(File #600-30)

The Assistant City Administrator reported that the Codornices Creek Restoration Project is a joint project with the City of Berkeley, University of California, Berkeley and the City of Albany to restore lower Codornices Creek between the Union Pacific Railroad Tracks on the west and San Pablo Avenue on the east.

It was noted that a significant population of steelhead trout reside in the channel so the project also represents ecological restoration benefits. Flood control is also an important aspect to the property and prior flooding issues have resulted in this area.

The Assistant City Administrator noted that currently the widening of the flood plain, removal of culverts and the increase in meanders have resulted in a more natural hydrological system that is more effective in handling storm water flows.

The project has received numerous grants with the latest being in the amount of \$2.2 million from the California Resources Agency. Measure R Creek Restoration funds have been used for construction and the City of Berkeley and the University have pledged approximately \$625,000.

The Assistant City Administrator stated that Phase 3 would continue to widen the floodplain and to restore natural meanders to the creek. This phase includes the continued restoration of the creek between 6th and 8th Streets and the construction of a Class I bicycle/pedestrian trail along this segment, connecting to the Berkeley bicycle path.

The Restoration Design Group, in conjunction with the Waterways Restoration Institute, a non-profit group, has been the projects advocate, consultant and designer since the earliest sates of project planning. Based on past experience, WRI and the City have worked together to develop a realistic scope of work and associated costs.

The following person spoke: Allan Maris, Albany resident. A summary of the comments is as follows: Thanked everyone who worked on the project and noted the joint efforts of the City of Berkeley and U.C.

Council Member Javandel noted that the grant revenues offset the \$250,000 consultant fee.

7-2. Lower Codornices Creek Phase 3 Restoration Project

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to authorize the City Administrator to enter into a contract with Restoration Design Group for restoration design and engineering services for Phase 3 of the Lower Codornices Creek Restoration Project in the amount of \$250,000.

VOTE ON THE MOTION:

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

7-3. Establishment of Subcommittee regarding Future Plans for University Village

(File #510-50)

The Planning Manager reported that the University of California, Berkeley has plans to develop University Village, which is a 77-acre of land primarily used as housing for U.C. Berkeley students with children. Redevelopment of the Village began in 1998 and amendments to the master plan were made in 2004. As part of the 2004 amendments, the University envisioned in this area a large mixed-use project including student housing, retail, new community and administrative facilities and relocation of the Little League fields. The proposal, however, did not include land for urban agriculture/education facility that has been requested by Urban Roots.

To date, the University has not provided specific information about the intended long term plans for the Gill Tract and the remaining parcels along the east side of Jackson Street that are not included in the footprint of the current application.

The Planning Manager noted that it is being recommended that a subcommittee of the City Council be established that would meet with representatives from the University, City staff and community interests. Mayor Lieber and Council Member Wile have volunteered for appointments to a subcommittee.

Council Member Okawachi stated that she would like to be on the subcommittee and this is the first time that she has heard about it. Council Member Okawachi noted that she has worked for many years with the University and has a lot of interest in this area.

Mayor Lieber explained that he and Council Member Wile have been meeting with many groups regarding this project over the past few weeks.

Council Member Okawachi asked when the idea came up for the subcommittee and volunteering to be a member, as the rest of the Council knew nothing about it.

Council Member Javandel stated that he also would like to volunteer to be on the subcommittee.

Council Member Atkinson stated that she would like to have a good outcome with the University and that the University understands what the City would like accomplished.

Kevin Hufford, U.C. Project Manager, stated that the University submitted a proposal that includes Whole Foods, residences, other retail that would serve the Village

7-3. Establishment of Subcommittee regarding Future Plans for University Village

and the City. Mr. Hufford noted that the housing would be for seniors, which serves the needs of Albany without putting extra burden on the School District.

The following people spoke: Ed Fields, Albany resident; Francesco Papalia, Albany resident; Allan Maris, Albany resident; Maureen Crowley, Albany resident; Caryl O'Keefe, Albany resident; Jackie Hermes, Albany resident; Peggy McQuaid, Albany resident; Miya Kitahara, Albany resident; Delia Carrol, Albany resident.

A summary of comments is as follows: Stated that the University is asking a lot from the City, for example, zoning changes, height limit changes and this an opportunity for the City to ask for something in return. Suggested that the University set aside open space to be used for an urban and recreational farm. Expressed concern that the subcommittee would not be a representative of the entire City. Noted that the City needs Little League fields and that the University has committed to this in the past. Expressed distrust with the University and expressed concern that the subcommittee would be meeting and the people would not know what was going on. Expressed concern that there may be chemicals in the soil at the Gill Tract. Disagreed with previous speaker that the City needs more Little League fields. Expressed concern that there is a perception that the process is not open and believes the 2x2x2 group could have the same affect as the subcommittee. Spoke against Whole Foods noting that most people in Albany would not be able to afford the prices it charges and urged the City to ask for a local coop farm on the Gill Tract. Expressed concern that the subcommittee was formed without the prior knowledge of the entire City Council. A letter was read on behalf of Urban Roots who agreed with the proposal to form a subcommittee. Urged the subcommittee to keep land use issues and an urban farm in mind when meeting with the University. Agreed that the subcommittee should consist of members who are committed and involved with sustainability.

Mayor Lieber stated that as Mayor he has the responsibility and the right to go out and meet with citizen groups and noted that the subcommittee would continue to work with all parties involved. Mayor Lieber commented that he asked Council Member Wile to volunteer as she has shown commitment through her work with the birds during the oil spill and that she works very well with him. Mayor Lieber stated that the subcommittee would be transparent and noted that any action would have to come back to Council to vote on

MOTION:

Moved by Mayor Lieber, seconded by Council Member Atkinson that a subcommittee of Mayor Lieber and Council Member Wile be established to meet with representatives of the University of California, Berkeley to discuss future plans for University Village.

ON THE QUESTION:

Council Member Okawachi stated it is important that the Mayor have someone who he can work well with but believe there are other issues other than sustainability that need to be addressed with the University.

Council discussed this issue in length and Mayor Lieber stated that the subcommittee would come back to the Council at each meeting with a report and

7-3. Establishment of Subcommittee regarding Future Plans for University Village

ON THE QUESTION:

suggested that the Council give the subcommittee the issues they believe need to be addressed.

The City Attorney suggested that this matter be put under Item 8 (Other Business, Reports on Meetings Attended) of the agenda so that the public is aware of what is transpiring.

VOTE ON THE MOTION:

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

7-4. New City Motto

(File #150-25)

The Assistant City Administrator reported that in 2007, the City publicized a “City Motto contest” to select a new one for the City’s Centennial. The deadline was October 31, 2007 and 171 entries were received. The City Council referred this issue to the Social & Economic Justice Commission who reviewed all the selections and selected their top four choices, as follows: 1) Urban Village on San Francisco Bay 2) Golden Gate View to the Pacific 3) A Stroll by the San Francisco Bay 4) Diversity, Unity, Sustainable Community.

Council Member Javandel stated that he likes the motto that refers to a small town community and suggested that maybe the contest should be extended and maybe put the contest on the website.

Mayor Lieber stated that he likes the idea of a motto that reflects Albany and would prefer the words “Ocean View to the Pacific”.

Mara Duncan, Chair Social & Economic Justice Commission, stated that she prefers the words “Golden Gate to Ocean View”. Ms. Duncan cautioned the Council that if they let the public vote on the motto that the Council would have to live with that choice.

Allan Maris, Social & Economic Justice Commission, suggested that the motto include something that is unique to Albany, such as the Solano Stroll or Golden Gate view.

The following people spoke: U.C. Berkeley student who noted that she would post the suggestions to the readers of the University.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Javandel that this item be continued and directed staff to gather more input, including examples from other cities.

AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

8. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

8-1. Saturday, February 23, 2008, 1 – 5 p.m., Veteran’s Memorial Building 1325 Portland Avenue, kickoff for Albany’s Centennial Celebration.

Council Member Atkinson announced that the City had a great Lunar Parade last weekend and noted that she has purchased the bags to use for green waste and urged everyone to use them.

Mayor Lieber announced that he also attended the Lunar Parade and reminded everyone about the Centennial Kickoff on February 23, 2008.

9. ADJOURNMENT

10:55 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Jacqueline L. Bucholz, CMC, City Clerk.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK