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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
TUESDAY, NOVEMBER 6, 2007

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; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Randy Leptien, Contract City Engineer.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

4. 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.)

4-1. Council Minutes, October 15, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$188,507.90; taxes, benefits & withholdings in the amount of

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\$142,582.57. Total payroll in the amount of \$331,090.47. Payroll period: 10/12/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,254.95 taxes, benefits & withholdings in the amount of \$40,936.01. Total payroll in the amount of \$92,190.96. Payroll period: 10/12/07.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$455,561.39. Period: 10/19/07.

Staff recommendation: Ratify.

- 4-4.** Resolution No. 07-58 – A Resolution of the Albany City Council Approving the Final Condominium Subdivision Map for Tract 7773 (Villa de Albany, 727 San Pablo Avenue).
(File #415.50)

Staff recommendation: Adopt Resolution No. 07-58.

- 4-5.** Resolution No. 07-68 – A Resolution of the Albany City Council Supporting the City of Albany Submission of Two Applications to the Safe Routes to School (SR2S) Program for the Implementation of Pedestrian Improvements at Marin Elementary School and Ocean View Elementary School. (If successful, the City match for these two grants would be \$65,000).
(File #345-30)

Staff recommendation: Adopt Resolution No. 07-68.

- 4-6.** 2008 Sewer Project East Albany Hill project – Associated Right of Way Services Contract.
(File #600-30)

Staff recommendation: Authorize the City Administrator to enter into a sole source agreement with Associated Right of Way Services to provide right of way services related to the 2008 Sewer Project East Albany Hill project in an amount not to exceed \$25,000.

- 4-7.** Grant Application to Bay Area Air Quality Management District for Development of a Climate Action Plan.
(File #345-30)

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Staff recommendation: Authorize the City Administrator to submit a grant request to the Bay Air Quality Management District in the amount of \$50,000 to complete a Climate Action Plan.

4-8. Request for Economic Development Program Assistance.
(File #470-75)

Staff recommendation: Authorize staff to issue letter requesting qualifications and proposals for economic development program assistance; based on recommendations of Sustainability Committee.

Mayor Lieber asked if anyone would to remove an item for discussion and the following items were removed: 4-4, 4-5 & 4-8.

Mayor Lieber stated that item 4-4 would be discussed last, as he has to recuse himself from any discussion on this item due to living next to this development and would be leaving the Council Chamber during the discussion.

4-5. Resolution #07-68 – Grant

Council Member Atkinson stated that she is happy to see this grant, as there are a lot of traffic dangers at Ocean View. Council Member Atkinson asked how long it would take to implement the safeguards. The Community Development Director responded that the City does not have the grant money yet but is hoping that it will be successful.

4-8. Economic Development Program

Council Member Atkinson asked if the City was requesting one person or a company that does this type of business. Council Member Atkinson asked if there was any other information on this or is the City just waiting. The City Administrator responded that once this item is approved tonight the City would put out requests.

4-4. Final Map, 727 San Pablo Avenue

Mayor Lieber recused himself and turned the meeting over to the Vice-Mayor and left the Council Chamber.

Ed Fields, Albany resident, stated that he pulled this item from the Consent Calendar, as the developer has not completed the conditions of approval and urged the Council not to approve the final map for 727 San Pablo Avenue until all conditions are met.

Brian Parker, Albany resident; Francesca Papalia, Albany resident; Maureen Crowley, Albany resident spoke on this matter. A summary of the comments is as follows: This is the time that the Council has the best leverage and should not approve the final map until the conditions have been met. Expressed concern about the lack of affordable housing in Albany and noted that the City's priority for affordable housing should be Albany seniors and disabled persons.

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The Planning Manager noted that this is the first project with the Inclusionary program and the City is working with the developer to have an affordable housing agreement in place.

The Planning Manager noted that the Planning & Zoning Commission would be having a work session on affordable housing on November 27, 2007.

Council Member Atkinson stated that she is uncomfortable releasing the final map until all conditions have been met.

Council Member Javandel agreed noting that this should be put off until the Council is comfortable that all conditions have been met.

John Johnson, developer of 727 San Pablo Avenue, stated that it is not his intent to ignore the agreement made with the City and noted that having the final map approved is critical in terms of financing.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to remove this item from the Consent Calendar.

Motion carried and so ordered.

Mayor Lieber came back into the Chamber and took his seat on the podium.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to approve the Consent Calendar with the exception of Item 4-4.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Lieber asked if anyone would like to speak on an item that is not on the agenda or announce any events.

Council Member Wile thanks staff for removing the graffiti at the Waterfront and acknowledged the work of staff and the Mayor regarding the appeal of an El Cerrito decision regarding the Plaza.

The following people spoke: Preston Jordan, Albany resident; Ray Anderson, Albany resident; Robert Cheasty, President Solano Avenue Association; Peter Hubert, Albany resident.

A summary of the comments is as follows: Thanked the City Council for attending the El Cerrito City Council meeting and trying to make a difference. Announced the Chamber of Commerce mixer on November 8, 2007 at Albany Ford. Also announced that the Chamber and the Solano Avenue Association would be getting together for the holiday season to promote Albany businesses. Announced a pumpkin party that was very successful and hope to have one again next year. Expressed concern about Ocean View Park noting that there should be an entrance by the monument.

The City Administrator announced that the Ohlone Greenway now has lights and thanked City staff and BART.

6. PUBLIC HEARING**7. UNFINISHED BUSINESS****7-1. Waterfront Planning Process – Neuwirth & Associates Report**
(File #490-20)

The Planning Manager stated that before Council tonight the preliminary and final report from Don Neuwirth regarding a Waterfront Planning Process.

Don Neuwirth thanked the City Council, City Staff, the Waterfront Committee and the Planning & Zoning Commission for all their participation and input on this issue. Mr. Neuwirth stated that he has met with all City Commissions/Committees except the Charter Review Committee regarding this issue.

Mr. Neuwirth stated that he hopes the outcome is what the Council expects and thanked the City Council for its selection of him.

The following people spoke on this issue: Robert Cheasty, Albany resident; Edward Moore, Berkeley resident; Robert Outis, Albany resident; Preston Jordan, Albany resident; Trevor Grayling, Albany resident; Howard McNenny, Albany resident; Peter Hobart, Albany resident; Brian Parker, Waterfront Committee; Francesco Papalia, Albany resident; Mara Duncan, Albany resident; Clay Larson, Albany resident; Maureen Crowley, Albany resident; Kathy Diehl, Waterfront Committee; Peter Schakow, Albany resident; Ed Fields, Albany resident; Caryl O’Keefe, Albany resident; Norman LaForce, Sierra Club; Stephanie Travis, Albany resident; Bill Dann, Waterfront Committee; Jim Cleveland, Albany resident; David Arkin, Planning & Zoning Commission.

A summary of the comments is as follows: Thanked Mr. Neuwirth for his report and urged the Council to accept it. Concern expressed with recommendation of Scenario #3 and urged the Council to obtain expert advice, which includes financial advice. Concern expressed with the amount of money to be used and the fact that the property does not belong to the City. Expressed concern with the makeup of the Waterfront Committee and suggested a new group be appointed with people that incorporate all views of the City. Urged the Council to get Magna, the property owner, to the table and participate in the discussions. Believe that the racetrack is here to stay and concerned that the City would be spinning its wheels. Support the recommendations of the Waterfront Committee and the Planning & Zoning Commission and urged the Council to approve them. Urged the City to come up with a plan to develop the property that does belong to the City that would help with the homeless issue at the bulb. Asked the Council to step back and look at this again in a year. Believe that scenario #3 is consistent with the public input. Urged the Council to be one step ahead of the property owner and believes the track is going down the tubes. Concerned that the City may not have a say of what happens at Golden Gate Fields, and therefore, believes the use of funds would be a waste of taxpayer money. Believe time is of the essence and urged the Council to accept scenario #3. Would rather take the money set aside for this plan and plant 1000-2000 trees in Albany with the money.

Council Member Javandel stated that education and information is very necessary and that the City should look at one topic at a time and stay focused. Believe it important to move ahead with the design and that if Magna does come forward with a plan it would

7-1. Waterfront Planning Process – Neuwirth & Associates Report

be nice to have a vision to judge that plan. Council Member Javandel noted that approving Phase 1 of scenario #3 is good regardless whether the property owner participates.

Council Member Atkinson stated that the report is a good idea but the process does not have to be rushed. Agreed that this is a chance for education and vision and that the City needs to take baby steps.

Council Member Okawachi stated that she does not believe the City should go forward with this plan until it knows exactly what Magna is going to do. Council Member Okawachi expressed concern about the Council, staff and commission/committee time and would rather postpone any action at this time.

Council Member Okawachi asked the City Attorney if they could go ahead with the recommendation even though it does not conform to Resolution #06-50. The City Attorney responded that the Resolution on file is not a barrier and that the Council could approve a new Resolution.

Council Member Wile stated that she is pleased to have this opportunity for education and noted that the City has always wanted the property owner to be involved in the process. Council Member Wile commented that she hopes the Waterfront Committee would be judicious and supports scenario #3 of the preliminary report.

Mayor Lieber stated that whatever is done with the Waterfront it should be Albany driven and not developer driven. Mayor Lieber commented that it is important to approve scenario #3 of the preliminary report and to have community consensus. Mayor Lieber reported that he has reached out to the property owner numerous times but there has been no reciprocation. Mayor Lieber agreed that this should be turned over to the Waterfront Committee who will come back to the Council with a detailed scope of work.

MOTION:

Moved by Council Member Wile, seconded by Council Member Atkinson to 1) Receive the Neuwirth & Associates Preliminary and Final Report. 2) Refer Scenario #3 from the Neuwirth and Associates Preliminary Report to the Waterfront Committee for implementation including consultant solicitation and making a recommendation to the City Council on the selection of a consultant, detailed scope of work, budget, etc. 3) Dissolve the Waterfront Planning Consultant Selection Group.

ON THE QUESTION:

Council Member Okawachi asked if the motion could be broken up into sections, as she cannot support #2.

Council Member Javandel asked that scenario #3 be taken in steps and approve Phase 1 and the rest to be dealt with at a later time and that the Waterfront Committee focus on the first 6 month process.

Mayor Lieber agreed and stated that is exactly the motion. Brian Parker stated that he understands what Council Member Javandel is saying and that the Waterfront Committee will be focused on where the money is spent noting that the economic issue is very important.

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

City Administrator made the following announcements: 1) The Fire Fighters are back from fighting the fires in Southern California. 2) ABAG has nominated Albany as a Priority Conservation Area for the FOCUS regional planning program. 3) Appointed as the Alameda City Manager's Alternate on the East Bay Regional Communications Systems JPA.

Council Member Atkinson made the following announcements: 1) The Director of ACAP attended a Career Day at Albany High School. 2) Albany High School Homecoming was a success. 3) Attended the Police Reserve Dinner. 4) Has been accepted into the Alameda County Leadership Academy. 5) Thanked the City Administrator for the Commission/Committee Training. 6) Attended the DPAG meeting, which is looking for volunteers to help with emergency disasters.

Mayor Lieber made the following announcements: 1) Attended the Police Reserve dinner. 2) Elected by the Mayor's Conference as an Alternate on the East Bay Regional Communications System JPA. 3) Elected by the Mayor's Conference to the Executive Board.

Council Member Javandel made the following announcements: 1) Explained why he didn't attend the El Cerrito City Council, as he was at a community meeting in Napa; however, he did lobby the El Cerrito City Council. 2) Attended the Police Reserve dinner and thanked them for volunteering their time and supplementing the Police Department budget.

10. ADJOURNMENT

10:25 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