

NOTE: These minutes are subject to Council approval and are not verbatim; however, tapes are available for public review.

**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, JULY 16, 2007**

**OPEN HOUSE**

**6:00 – 7:00 p.m.**

Public tour of Police & Fire Stations to view current conditions and plans for Civic Center retrofit and renovation prior to 7:00 p.m. workshop. Police Station tour starts at 6:00 p.m. and the Fire Station tour starts at 6:30 p.m. Location: 1000 San Pablo Avenue

**6:30 p.m.**

**CLOSED SESSION**

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS**

Closed session to discuss Public Employee Performance Evaluation pursuant to Government Code Section 54957:

City Administrator

Beth Pollard

Mr. Bob Outis, Albany resident, stated that in his opinion Ms. Pollard is among the best City Administrators that Albany has had in the time he has lived here.

**ADJOURN TO CLOSED SESSION**

**7:00 p.m.**

**WORKSHOP**

Review plans, scope of work, and costs for Civic Center – Public Safety project for seismic retrofit of the Fire & Police Stations and City Hall, renovation of the Police and Fire Stations, and construction of Emergency Operations/Training Center located between the Fire and Police Stations.

The City Administrator stated that this work session is an opportunity for the Council and the public to review the plans and costs.

### **WORKSHOP**

Ms. Janet Tam, Architect Tam & Noll, showed a power point presentation noting that the construction costs for 25,000 sq.ft. is \$9,300,000, which breaks down to \$373 per sq.ft. Other costs \$3,200,000 and soft costs \$1,800,000.

New construction is usually 50% higher than remodel costs and break down to \$450-\$550 per sq.ft. and would total \$20 million for a new 25,000 sq.ft. building.

The following people spoke: Bob Outis, Albany resident; Beth Pun, Albany resident; Francesco Papalia, Albany resident; Allan Maris, Albany resident; Christina Van Horn, Albany resident; Dana Milner, Albany resident; Brian Parker, Albany resident.

A summary of the comments is as follows: Asked if staff believes this remodel is adequate for the foreseeable future. Both the Police & Fire Chief responded that they are happy with the current plans. Asked what the City of El Cerrito paid for their purchase price; asked if the City had additional money what would be added? The Architect responded landscaping and more attention to the City Hall bringing it up to the same level as the Police & Fire Departments. Asked how close the City was to becoming LEED Certified and was told 26 points for basic Certified and the City is approximately at 24-25. A question was asked about the power distribution and the Project Manager responded that the generator currently being used would withstand an earthquake. Asked that the eaves be painted to make the old and new façade blend. Noted that the LEED Certification is the first generation and it is starting to move in another direction and asked what is gained by actually becoming Certified other than more money. Asked if the EOC roof could be the same as the rest of the buildings. A question was asked how much of the EOC is being used for an exercise room and was told 500 sq.ft. Expressed concern that \$14 million was a lot of money to remodel a building and hoped that the City would not regret this in the future. Asked if the buildings could have a green roof and the Architect stated that a green roof has pros/cons and doesn't think it would be right for this project.

### **7:55 p.m.**

Albany Municipal Services Joint Powers Authority (See separate Agenda)

**Council Member Farid Javandel will be teleconferencing from the following location:**

**Paramount Hotel, 808 South West Taylor Street, Portland Oregon**

### **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 & MayorLieber

Absent: None

**STAFF PRESENT**

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Aaron Walker, Personnel Manager; Mike McQuiston, Police Chief; Marc McGinn, Fire Chief; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager.

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

Mayor Lieber reported that Council met regarding employee performance for the City Administrator and is pleased to announce that the Council has nothing but praise and a letter will be written to the City Administrator.

**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.** a. Ratification of City of Albany net payroll in the amount of \$177,602.32; taxes, benefits & withholdings in the amount of \$135,138.53. Total payroll in the amount of \$312,740.85. Payroll period: 07/06/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,007.07; taxes, benefits & withholdings in the amount of \$33,746,00. Total payroll in the amount of \$77,753.07. Payroll period: 07/06/07.

Staff recommendation: Ratify.

**4-2.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$236,419.42. Period: 06/29/07.

**4. CONSENT CALENDAR**

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,476.00. Period: 07/01/07.  
(File #300-40)

Staff recommendation: Ratify.

**4-3.** Pension payments for the month of June, 2007, in the amount of \$106,569.49.

Staff recommendation: Ratify.

**4-3.** City Council Goals & Objectives Work Program Status Report.  
(File #100-30)

Staff recommendation: Receive and review status report, and provide new direction, if any.

**4-4.** Authorization to Call for Bids regarding Access Curb Ramp Project.  
(File #600-10)

Staff recommendation: Authorize the City Administrator to call for bids regarding the proposed Access Curb Ramp Project.

**4-5.** Ordinance #07-03 – An Ordinance of the City Council of the City of Albany, California Containing a Description of the Albany Community Reinvestment Agency’s Agreement to Forego the Power of Eminent Domain in the Acquisition of Real Property in the Cleveland Avenue/Eastshore Highway Redevelopment Plan Avenue. Second Reading – Pass-to-Print.  
(File 460-10)

Staff recommendation: Adopt Ordinance #07-03 for Second Reading – Pass-to-Print.

**4-6.** Resolution #07-41 – A Resolution of the Albany City Council Approving the Salary and Establishing a Longevity Incentive Benefit for the Position of City Treasurer.  
(File #700-20)

Staff recommendation: Adopt Resolution #07-41.

**4-7.** Resolution #07-44 – A Resolution of the Albany City Council In Honor of Mr. Rich Wauters on His Retirement from Service as Public Works Maintenance Worker and Crew Leader with the City of Albany.

**4. CONSENT CALENDAR**

Staff recommendation: Adopt Resolution #07-44.

- 4-8.** Resolution #07-47 – A Resolution of the Albany City Council Adopting the Yearly Tax Rate for the Pension Override Tax to Fund City Pension Obligations.  
(File #390-85)

Staff recommendation: Adopt Resolution #07-47.

- 4-9.** Resolution #07-48 – A Resolution of the Albany City Council Awarding the Contract for the Ohlone Greenway Lighting & Pathway Improvements, Contract No. C06-23 to the Lowest Responsible Bidder and Authorizing the City Administrator to Execute the Agreement.  
(File #600-30)

Staff recommendation: Adopt Resolution #07-48.

- 4-10.** Resolution #07-49 – A Resolution of the Albany City Council Approving a Cost-of-Living Increase for the Library Services Act of 1994, and the Supplemental Library Services Act of 2006, as Approved by the Voters and Allowing the Collection of the Library Services Tax on the Alameda County Property Tax Bill.  
(File #390-110)

Staff recommendation: Adopt Resolution #07-49.

- 4-11.** Resolution #07-50 – A Resolution of the Albany City Council Approving the Plans, Calling for Bids to be Received, and Authorizing the City Administrator to Award a Contract for the 2007 Paving Project, for an Amount not to Exceed \$300,000.  
(File #600-10)

Staff recommendation: Adopt Resolution #07-50.

- 4-12.** Call for Bids, Albany Pre-School Seismic Improvements.  
(File #600-10)

Staff recommendation: Authorize the call for bids to perform seismic upgrades to the foundation of the Albany Pre-School, 850 Masonic Avenue.

- 4-13.** Report on Marin Avenue fatal accident and other accidents in Albany.  
(File #590-80)

**4. CONSENT CALENDAR**

Staff recommendation: Receive follow-up report on referral by the City Council to the Traffic & Safety Commission to review and discuss the fatal pedestrian accident on Marin and other accidents.

- 4-14.** Authorization to compensate Don Neuwirth and Associates for additional Waterfront Planning Work Program meetings.  
(File #600-30)

Staff recommendation: That the City Council authorize the City Administrator to compensate Don Neuwirth and Associates for additional meetings, not to exceed \$2,000.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar and the following items were removed for discussion: 4-7, 4-8, 4-9, 4-11 & 4-12.

**4-7. Resolution #07-44 – Retirement Rich Wauters**

Mayor Lieber read Resolution #07-44 – A Resolution of the Albany City Council in Honor of Mr. Rich Wauters on His Retirement from Service as Public Works Maintenance Worker and Crew Leader with the City of Albany – in its entirety.

Mayor Lieber thanked Mr. Wauters, on behalf of the City Council, for his many years of service to the City.

**4-8. Resolution #07-47 – Pension Override Tax**

Allan Maris, asked a question on the distribution of the \$1.3 million and the Finance Director responded it was for pension costs with \$750,000 going to PERS costs.

**4-9. Resolution #07-48 – Awarding Contract for Ohlone Greenway Lighting & Pathway Improvements**

The Community Development Director stated that this item was removed, as additional information was received after the Council Agenda was prepared. It was noted that the bids were opened on July 12 with six contractors bidding on the project. The low bidder was NEMA Construction at \$492,159, which came in approximately 1.5% higher than the Engineer’s estimate of \$485,000.

It is recommended that the additional funding source come from Measure F and the project budget be increased by up to \$25,000 to accommodate the increased bid amount and contingency for change orders.

**4-11. Resolution #07-50 – Awarding Contract for 2007 Paving Project**

Council Member Atkinson thanked the City for including Tevlin Street in this project and is happy to see this item before the Council.

#### 4. CONSENT CALENDAR

##### 4-12. Call for Bids Pre-School Seismic Improvements

Council Member Javandel stated that he would be recusing himself from this item, as his son attends the Pre-School.

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Wile to approve the Consent Calendar as submitted, with the notation that Council Member Javandel recused himself from Item 4-12.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

#### 5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

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

Mayor Lieber announced that the City Administrator has been invited to participate at an ICMA conference in Chicago regarding cities with a City library.

Council Member Wile asked the Fire Chief if the Block Captain had increased and was told it is now up to 45 Block Captains.

Mayor Lieber announced that he and Council Member Atkinson attended a barbeque at the Fire Station for Block Captains and safety packages were given out to all the Block Captains.

Mayor Lieber asked if anyone would like to speak and the following people came forward: Bob Outis, Albany resident; Christina Van Horn, Albany resident; Ray Anderson, Albany resident; Allan Maris, Albany resident; Brian Parker, Albany resident; Robert Cheasty, Albany resident; Dana Milner, Albany resident; Chief McQuiston, Albany Police Department.

A summary of the comments is as follows: Commended staff for the job they did in the evaluation of issues presented by Golden Gate Fields. Suggested that the Fire Department and City hold an Open House to encourage people to sign up to be a Block Captain. Thanked the City for the great 4<sup>th</sup> of July Celebration and noted that the Lions/Veterans pancake breakfast was very successful. Spoke about the Curtis/Neilson storm drains and urged the City to get the problem fixed before the flooding issues start again. Noted that the Albany/Berkeley Mental Health Board is working very hard to find a position for Council Member Wile so that she could participate as a member. Thanked the General Manager, Peter Tunney, Golden Gate Fields and Robert Cheasty for the Bay Trail extension noting this would be a big plus for the community. Suggested that the City put half hour videos on the public access channel regarding the upcoming Civic Center remodel project, the Veterans Building and what is going on at the City parks. Announced that on Tuesday, August 7<sup>th</sup>, at 7- 10 p.m. the Albany Police Department would be hosting a National Night Out Program at Memorial Park and invited everyone to attend. An update was given on a car theft noting that the burglars were busted and

## 5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

plead guilty. Announced that the Chamber of Commerce would be hosting a Mixer on August 3<sup>rd</sup>, 5-7 at 1302 Solano Avenue. Also noted that the Chamber offices would be open Tuesday, Wednesday & Thursday from 10-1 p.m.

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

## 6. CONTINUED PUBLIC HEARING

### 6-1. Landscaping & Lighting Assessment District

(File #360-20)

On July 2, 2007, the City Council opened the public hearing on the LLDA No. 1988-1 & 1996-1 and continued the public hearing to July 16, 2007. This continuation was approved so that the Park & Recreation Commission would have a chance to discuss this issue at their July 12<sup>th</sup> meeting.

It was noted that there are no increases in the assessments this year and have been none since the inception. The Park & Recreation Commission reviewed the recommendations and supports them.

Council Member Wile asked about the line item for banners and the suggested amount of \$45,000. The Assistant City Administrator responded that the previous City Council wanted a banner program on Buchanan, as it is the entryway into the City. It was decided that metal cutouts would be a good idea and staff is in the process of evaluating the idea.

Council Member Wile stated that she would like to reallocate the money to the urban forest program and the Assistant City Administrator responded that would be a Council policy decision. Council Member Wile asked if \$20,000 could be shifted from the banner program to the urban forest program and was told that yes this could be done.

Council Member Okawachi commented that she believes the banner program is very important for Buchanan and Solano/San Pablo Avenues and would prefer to see the money kept where it is currently allocated.

Council Member Atkinson stated that she likes the idea of a banner program but also likes the idea of landscaping on Solano/San Pablo Avenues and agrees that Buchanan does need some attention. Council Member Atkinson commented that she would support the change of allocation from one fund to another.

Mayor Lieber stated he agreed that Buchanan needs some work but also believes the urban forestry program is very important and would support changing the allocation.

Council Member Javandel noted that the banner program was implemented to beautify the City.

The City Administrator suggested the following to achieve a balance: move \$20,000 from the banner program to the urban forestry program to develop the program and leave the balance in the banner program to start to fund a portion of the program.

Council Member Atkinson noted that she believes it is important to have some banners on Buchanan and San Pablo Avenue for the City's Centennial celebration.

**6-1. Landscaping & Lighting Assessment District**

Mayor Lieber opened the continued public hearing and the following people spoke: Robert Cheasty, President Solano Avenue Association; Caryl O’Keefe, Albany resident; Christina Van Horn, Albany resident; Brian Parker, Albany resident.

A summary of the comments is as follows: Agreed that the urban forest program would help the businesses in Albany, as the program would beautify the City. Expressed concern about the \$100,000 allocated for the repair to the Community Center windows, which is due to a design flaw and would rather spend that money on other projects in the City. Commented that the City needs to pay attention to green sustainable issues and noted that the trees need to be replaced, but also agrees that banners in the City are a good idea. Spoke about another City, which planted 5,000 trees and stated that this City needs to do something similar.

There being no one else wishing to speak Mayor Lieber closed the continued public hearing.

Council Member Wile presented Resolution #07-38 – A Resolution of the Albany City Council Confirming the Landscaping and Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1988-1 for Fiscal Year 2007-08.

**MOTION:**

After reading the title and waiving reading of entire Resolution, it was moved by Council Member Wile and seconded by Council Member Atkinson to adopt Resolution #07-38 with the following amendment: Banner Program – change the allocated amount to \$25,000 and move \$20,000 from that item to the Urban Forest Program, which increases that budget to \$30,000.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Wile presented Resolution #07-39 – A Resolution of the Albany City Council Confirming the Landscaping & Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1996-1 for Fiscal Year 2007-08.

**MOTION:**

After reading the title and waiving reading of entire Resolution, it was moved by Council Member Wile and seconded by Council Member Atkinson to adopt Resolution #07-39.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7. UNFINISHED BUSINESS**

**7-1. Civic Center – Public Safety Program**

(File #200-30)

The City Administrator noted that before the Council meeting a work session was held with Janet Tam, Architect for the project, at which time the Council and the public had a chance to review the plans and ask questions.

A question came up about becoming LEED Certified and it was noted that the project is short a few points to become officially certified. The cost would be approximately \$80,000, however, StopWaste.Org will reimburse \$50,000 so there would be a net cost of \$30,000 plus staff time and additional fees for the architects.

Also believe it prudent for the City not to go out to bid at this time but to wait until further into the year; however, the City must keep in mind the bidding climate and time of year and the fact that construction costs could go higher.

Council Member Wile asked if the Architects could consider the idea of a green roof. Janet Tam, Architect, responded they could definitely look at this idea but at this time do not believe it to be the best roof for this project.

Mayor Lieber commented on the LEED Certification noting that he believes the City should go forward with this and also agreed that a blue ribbon task force should be formed.

Mayor Lieber proposed a task force that would look at change orders, go over the plans and check that the City does not over spend on the project. Recommended that each Council Member appoint one member with a staff person assigned to help the task force.

Mayor Lieber noted that it is important to have one person in charge of this project that monitors it constantly. The City Administrator stated that Barry Whittacker, Project Manager, has been assigned to oversee this project.

Council Member Okawachi asked the Project Manager for his thoughts on the formation of a task force. The Project Manager responded if the charge is to provide budget oversight he would agree but if every change order had to go through the task force believes that would present a problem.

Mayor Lieber stated that he envisions the task force to be an oversight group, advisory and not a decision making body. The group would review bids but not look at every change orders and would report back to Council. The City Administrator noted that although the group would review bids, under State law the City is required to take the lowest bid.

Council Member Wile expressed concern about cost inflation and noted that the LEED Certification is window dressing and would prefer to use that money in other ways.

Council Member Javandel agreed with Council Member Wile and noted that the actual Certification is just a label and not worth the additional money.

Christina Van Horn commented that she believes the task force should definitely oversee the timetable to make sure the project keeps on track.

**7-1. Civic Center – Public Safety Program****MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to authorize staff to go out to bid between now and January, 2008.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7-2. Sale of Measure F, 2002 & Measure C, 2006 Bonds**  
(File #340-20)

The Finance Director stated that staff has negotiated agreements for professional services in conjunction with the issuance of the bonds.

Resolution #07-42 provides for the issuance of bonds in the amount of \$6,500,000 and is the second series of the November, 2002 authorization to \$14,500,000 (Measure F). The bond proceeds will be used for the completion of capital projects authorized in the bond measure, which include: repair and improvement of recreational facilities; preparation of Fire, Police and other City services buildings for earthquake and other disasters through retrofit or replacement; improvement of traffic safety for pedestrians, bicyclist and motorist; creation of new parks and improvement of existing parks and resurfacing of City streets.

Resolution #07-42 provides for the issuance of bonds in the amount of \$5,000,000, as approved by the voters on November 7, 2006 (Measure C). The bond proceeds will be used to improve the City's fire safety and emergency response capability by renovating the fire station to better accommodate emergency equipment and personnel, to better serve the community during and after an emergency by constructing an Emergency Operations Center and to add sustainable building features to the Fire/Police/City Hall complex.

The Finance Director noted that there would be no impact upon the General Fund from the issuance of the bonds. The annual taxpayer assessment to pay the debt service is estimated at \$80 per \$100,000 assessed valuation. The City is able to realize cost efficiency and savings by combining the two bond issues in one sale.

Mayor Lieber gave a historical background on his perspective regarding the Civic Center Project noting that he has had a problem with this project from the beginning due to the high cost and opposed Measure F funds to be used for renovation.

Mayor Lieber referenced a letter that was written in 2004 regarding the Civic Center project and stated that staff did not correct the information written that this project was a remodel. Mayor Lieber mentioned his idea to buy the Atrium building, which was rejected. The issue went back to the voters who approved the Fire Station remodel and building of the EOC.

Mayor Lieber commented that he continues to have problems with the escalating costs noting the City is not getting a great new building. However, agrees that the project should go forward for retrofitting due to the fact that the City would eventually experience a big earthquake and if the City stopped the project now it would lose the \$1.7 million FEMA grant.

### **7-2. Sale of Measure F, 2002 & Measure C, 2006 Bonds**

Mayor Lieber stated that he is not super excited about this project but believes it is the right thing to do.

Council Member Atkinson presented the following Resolutions:

Resolution #07-42 – A Resolution of the Albany City Council Authorizing the Issuance of Its General Obligation Bonds, Authorizing and Directing the Execution of a Paying Agent Agreement and Certain Other Related Documents and Authorizing Actions Related Thereto.

Resolution #07-43 – A Resolution #07-43 – A Resolution of the Albany City Council Authorizing the Issuance of Its General Obligation Bond, Authorizing and Directing the Execution of a Paying Agent Agreement and Certain Other Related Documents and Authorizing Actions Related Thereto.

**MOTION:**

After reading the titles of both Resolutions, it was moved by Council Member Atkinson and seconded by Council Member Javandel to approve Resolutions #07-42 & 07-43. Authorized the City Treasurer, City Administrator and City Finance & Administrative Services Director to complete documents required for issuance of bonds, in accordance with the resolutions adopted.

AYES: Council Members Atkinson, Javandel, Okawachi & Wile

NOES: Mayor Lieber

ABSENT: None

Motion carried and so ordered.

### **7-3. Clean & Green Business Task Force**

(File 405-35)

In January, 2007 the City Council established the Clean and Green Business Task Force. The Task Force met and has provided a final report and recommendations to the City Council regarding a variety of ways to make Albany a more sustainable and “green” community.

One of the first recommendations of the Task Force is to create a permanent Committee that could continue to work on these issues, both at the policy development and implementation levels.

Staff has prepared a Resolution creating a Sustainability Committee that could continue to work on the issues and ideas generated by the Clean & Green Task Force. It is intended that this Committee be an active, working committee in terms of implementation of many of the programs, policies, events and research items suggested in their final report.

In addition, the Committee would work closely with the new Sustainability and Economic Development program proposed for the City to develop a robust and comprehensive approach to creating a sustainable community.

The Committee is comprised of seven members, five each appointed by City Council members, one at-large appointed by entire Council, and one Youth member appointed by the Albany Unified School District Board. As many of the recommendations of the Task Force will require review by existing City Commissions,

### **7-3. Clean & Green Business Task Force**

Committees and Boards, the authorizing language emphasizes that the Sustainability Committee work closely with existing Commissions, Committees & Boards.

Council Member Javandel suggested that the Sustainability Committee appoint from its membership a member to attend other Commission, Committee, Board meetings. Council Member Wile suggested this be left up to the Committee to make this decision along with appointing its chair.

Council discussed whether this group should be a Commission or a Committee noting that the perception is that a Commission has more authority. The City Administrator noted that her perception of the City's differentiation appears to be that a Commission tends to be more policymaking and advisory and a Committee is more involved and hands on.

The following people spoke on this issue: Robert Cheasty, President, Solano Avenue Association; Allan Maris, Albany resident; Caryl O'Keefe, Albany resident.

A summary of the comments is as follows: The Solano Avenue Association would like to be involved in this group and participate. Commended the Task Force for their hard work with special thanks to Council Members Javandel & Wile. Expressed concern about the appropriation of funds that would be required to implement some of the recommendations.

Council Member Wile presented Resolution #07-46 – A Resolution of the Albany City Council Establishing a Sustainability Committee to be Advisory to the City Council on Policies, Programs and Issues Promoting Environmental Sustainability in the City of Albany and to Provide Leadership, Technical Assistance, Education and Outreach to Members of the Public, Schools, Local Businesses and City Agencies on Innovative Programs to Promote Environmental Sustainability through Energy Conservation, Solid Waste Reduction and Recycling, Water Conservation, Pollution Prevention, Transportation Efficiency and Other Means.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Wile and seconded by Council Member Atkinson to adopt Resolution #07-46.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## **8. NEW BUSINESS**

### **8-1. Formation of Sustainability and Economic Development Program (File #405-35)**

The Assistant City Administrator reported that as part of the City Council goal setting that took place early 2007, Council identified economic development, along with environmental issues, as high priority goals. As part of the budget approval process for 2007/08, Council authorized the appropriation of \$150,000 to enable the City to hire an

economic development staff person and to fund studies as may be needed to provide background information.

### **8-1. Formation of Sustainability and Economic Development Program**

During the process of gathering information regarding the formation of an economic development program in the City, staff met with representatives from the Chamber of Commerce, the Solano Avenue Association, the Clean and Green Business Task Force and other community members. Staff also met with the East Bay Economics Development Alliance (EDA) reviewed the recommendations of the Clean & Green Task Force and reviewed the “economic gardening” concept recommended by the EDA.

Staff recommends the following proposal: 1) Redefine the existing Environmental Resources Position – this would become a dedicated position to green and sustainable programs, including the recommendations of the Clean & Green Task Force. Tasks related to urban forestry would be removed from this position and reorganized into a new urban forestry position under Public Works. 2) Add new Economic Development Position – a part-time (75%) economic development position would be created to develop a community based approach to economic development on Solano and San Pablo Avenues and to work on potential redevelopment options in the City’s redevelopment zone. 3) Consolidate Urban Forestry – an improved program would coordinate, expand and enhance the City’s urban forestry and landscape management capabilities. 4) Address Redevelopment Zone – since the creation in 1998 a variety of positive changes have occurred. Site access was addressed through the Buchanan interchange and Pedestrian/bicycle Bridge – a multi-year project that was mostly grant funded. One of the significant goals of the Economic Development position will be to focus new attention on the redevelopment zone. This position will become familiar with the existing redevelopment plan and implementing language, perform research and gather background information about the economics of Albany and the surrounding area and develop on-going contacts with property owners and existing businesses.

Council discussed the position and whether it should be a 50% or 75% position and it was noted that the City should provide a database of existing businesses and hire someone with creative writing and marketing skills. It was agreed that the City needs a dedicated person to work in this area.

#### **MOTION:**

Moved by Council Member Okawachi, seconded by Council Member Javandel to approve staff’s recommendation: 1) To authorize the formation of a City of Albany Sustainability and Economic Development Program, which includes the following elements: a) Redefinition of responsibilities for Environmental Resources Associate. b) Creation of new part-time Economic Development Specialist position (up to 75%). 2) Approved an Urban Forestry/Landscape Management position, either as a City employee or as a contractual position.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-2. FOCUS Initiative and Priority Conservation Area Nomination**

(File #140-10)

The Planning Manager stated that the Association of Bay Area Governments (ABAG) has initiated the FOCUS program as a multi-jurisdictional initiative to plan for future regional growth. The concept is that by establishing priority areas, in the future, state and regional funds for housing, transportation and open space could be linked to geographic locations that are consistent with regional smart growth principles.

One element of the FOCUS program is the designation of "Priority Development Areas" (PDA). The process was discussed by Council previously and due to limited amount of information available regarding financial incentives and in the case of the City, several elements of the program do not appear to be a good fit, the City did not submit a Priority Development Area application.

A second element of the FOCUS program is the establishment of "Priority Conservation Areas" (PCA). The PCA program is calling for nominations for areas of regional significance that are not already protected and will benefit from targeted purchases and easements in the near future.

The Planning Manager reported that the two sites that appear more viable and most closely meet the PCA program and regional significance threshold are the Golden Gate Fields portions of the waterfront and the 11-acre privately owned parcel on the Pierce Street portion of Albany Hill.

The following City Commission/Committee made recommendations: Waterfront Committee: The Committee on a 5-2 vote, identified four priority areas of the Golden Gate Fields portion of the waterfront for conservation: the beach area, the salt marsh, Codornices Creek, Fleming Point area near the grandstands and the area of the Bay Trail. Planning & Zoning Commission: The Commission on a 4-1 vote recommended that the City Council not participate in the nomination process at this time. The Commission expressed concern that by submitting a nomination it could be perceived as a hindrance to the transparency of the waterfront planning process. The Commission was also concerned about potential legal risks. Parks & Recreation Commission: On a 5-2 vote, recommended three areas to be considered the waterfront area, Albany Hill and the Gill Tract.

Council Member Wile asked about including the Gill Tract and the Planning Manager responded that this property belongs to U.C. Berkeley and is designated for open space.

Council Member Atkinson expressed concern about legal risks and the Planning Manager responded at this time it is just in a discussion phase but everyone has to be careful that a legal risk is not created.

Mayor Lieber stated that Albany Hill has Indian artifacts on it, which makes it a regional issue and would feel more comfortable if the applications were done separately. Mayor Lieber commented that he does not believe the City would have a legal risk.

Council Member Javandel agreed that separate applications are best and the City can always drop a designation in the future and would agree to include the Gill Tract as an option. Mayor Lieber agreed as long as they were treated as separate applications.

## **8-2. FOCUS Initiative and Priority Conservation Area Nomination**

The following people spoke: Robert Cheasty, CESP; Caryl O'Keefe, Albany resident; Beth Pun, Albany resident; Peter Moss, Planning & Zoning Commission; Brian Parker, Waterfront Committee.

A summary of the comments is as follows: Agreed that this is a great opportunity to get in line that eventually will take action to protect the waterfront. Supported Albany Hill in the application, as this would benefit the community and was not excited about including the Gill Tract, as it belonged to another agency. Asked that the salt marsh be included. Disagreed with language in the staff report that states Codornices Creek has public access. Encourage Council to nominate the whole waterfront area with special areas having a high priority.

Council Member Okawachi expressed concern with nominating the entire waterfront area but agreed the areas along the shoreline and the creek would ok.

Council Member Javandel stated that he likes the idea of nominating specific areas, which gives more clarity.

Mayor Lieber supported the entire area of the waterfront noting that the beach and plateau are already part of the park. Mayor Lieber noted that the northern parking lot is an under utilized piece of land that should be included.

### **MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Wile to include the northern parking lot, Albany Hill, consider recommendations of the Waterfront Committee and the Park & Recreation Commission and include the Gill Tract as part of the nomination.

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

NOES: Council Member Okawachi

ABSENT: None

Motion carried and so ordered.

## **8-3. City Attorney 2007-08 Salary Schedule**

(File #700-20)

The Personnel Manager stated submitted for Council review is Resolution #07-45 setting the City Attorney salary schedule for FY 2007-08, which reflects changes in the cost of living, labor market and internal equity factors. The Resolution also establishes a longevity incentive in the form of a post-employment retiree health savings account for the Attorney with at least thirty years of active service. The benefit is similar to one that was negotiated with the Fire Fighters' Association and the employer contribution is equivalent to 5% of the Fire Engineer pay rate, effective January, 2008.

The City Attorney submitted a report with a historical salary comparison with five of the department heads within the City of Albany, also included is the factor for the rate of change for the Fire Chief, Finance Director and Police Chief.

The City Attorney spoke to equity factors, market trends and internal comparisons noting that the salary is significantly less than what the market is paying.

Council Member Wile asked for additional information regarding compensation beyond the monthly salary.

**8-3. City Attorney 2007-08 Salary Schedule**

**MOTION:**

Moved by Council Member Okawachi, seconded by Council Member Wile to extend the meeting 10 minutes past 11 p.m.

Motion carried and so ordered.

Mayor Lieber asked the City Attorney if the Council could fire him and was told no because the Attorney is elected by the people. Therefore, he said the only way the Council can control the Attorney’s performance is the salary and believes the City Attorney should make the same salary as the Council. He continued that he doesn’t believe this will happen, and therefore, would agree to give the 3.2% COLA adjustment. Mayor Lieber spoke to the other compensation such as retainer and agreed that additional information is needed. Also noted that the Attorney has worked for the City for 30 years and will retire with a very substantial pension.

Council Member Okawachi stated that she believes the Attorney has been a good Attorney for the City and deserves the raise.

Council Member Javandel commented that he supports Resolution #07-45, which includes the 3.2% COLA adjustment.

Caryl O’Keefe, Albany resident, supported internal equity and the contribution that is made and noted that the City Attorney has advanced degrees and certifications that should be recognized.

Council Member Okawachi presented Resolution #07-45 – A Resolution of the Albany City Council Approving the Salary Schedule and Establishing a Longevity Incentive Benefit for the City Attorney.

**MOTION:**

Moved by Council Member Okawachi, seconded by Council Member Javandel to adopt Resolution #07-45.

**ON THE QUESTION:**

Council Member Atkinson stated that she would be willing to give some percentage comparable to other employees.

Council Member Javandel asked that this come back in September with information on an equity adjustment.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

**9-1.** The City Council will be on summer recess for the month of August and will reconvene at the next regular scheduled Council meeting on Tuesday, September 4, 2007.

Council Member Atkinson announced that she would be attending a League of California Cities conference in Monterey, which will include a planned event at the Monterey Aquarium.

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

Council Member Javandel announced that he is teleconferencing tonight, as he is attending an Engineer's Conference in Portland. Council Member Javandel noted that he is getting a lot of good information to share with the Traffic & Safety Commission.

**10. ADJOURNMENT**

11:10 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.

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ROBERT S. LIEBER  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK