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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, JULY 2, 2007**

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**7:15 p.m.**

**CLOSED SESSION**

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

Closed session to discuss labor negotiations pursuant to Government Code Section 54957.6:

Agency Negotiator: Glenn Berkheimer, IEDA

Employee Organization: Albany Municipal Services JPA

Closed session to discuss real property negotiations pursuant to Government Code Section 54956.8:

Property: 1050 San Pablo Avenue, Gill Tract, University of California

Negotiating Parties: University of California and City of Albany

Under Negotiation: Terms and Conditions to obtain license for temporary relocation of City operations.

Kim Linden, Albany resident, expressed concern about the historical value of the greenhouses and related buildings slated for demolition by UC Berkeley on the Gill Tract at the proposed site for relocation of temporary City department facilities.

**ADJOURN TO CLOSED SESSION**

**7:55 p.m.**

Albany Municipal Services Joint Powers Authority (See separate Agenda)

**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, Engineer; Richard Cunningham, Public Works Manager; Nicole Almaguer, Environmental Resources Associate; Aaron Walker, Personnel Manager; Dennis Smith, Interim Recreation Director; Michael McQuiston, Police Chief; Marc McGinn, Fire Chief; Chelle Putzer, Recreation Supervisor; Charles Adams, Finance Director.

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

Mayor Lieber reported that agreement had been reached with the JPA employees with the exception of the City Administrator and the Elected Officials.

Mayor Lieber reported that no decision was made regarding the real property negotiations.

**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.** City Council minutes, June 4 & 18, 2007.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$174,235.05; taxes, benefits & withholdings in the amount of \$216,648.31. Total payroll in the amount of \$390,883.36. Payroll period: 06/22/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,028.39; taxes, benefits & withholdings in the amount of \$47,428.29. Total payroll in the amount of \$90,456.68. Payroll period: 06/22/07.

**4. CONSENT CALENDAR**

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,424,553.40. Period: 06/15/07.
- b. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$586.00. Period: 06/15/07.  
(File #300-40)

Staff recommendation: Ratify.

- 4-4.** Contract #C07-17. City of Albany and County of Alameda for Additional Library Services, Fiscal Year 2007-08.  
(File 600-40)

Staff recommendation: 1) Approve Contract #C0-17 between the City of Albany and the County of Alameda for additional Library Services for Fiscal Year 2007-08. 2) Authorize the City Administrator to notify the County Library of the City's position that the current level of services is to be maintained through June 30, 2016 and the City's interest and willingness to work with the County Library and a subcommittee of the Albany Library Board on this issue prior to deliberations on the 2008-09 contract.

- 4-5.** Ordinance #07-02 – An Ordinance of the Albany City Council Regarding State Franchised Video Service Providers and Adding Article VI-A to Chapter 30 of the Albany Municipal Code. Second Reading.  
(File #1050-30)

Staff recommendation: Approve Second Reading – Pass-to-Print.

- 4-6.** Provisions of Advanced Life Support Ambulance and Paramedic Provider Agreement between the City of Albany and the County of Alameda.  
(File #600-40)

Staff recommendation: Authorize the Mayor to execute the Advanced Life Support Ambulance and Paramedic Provider Agreement between the County of Alameda (County) and the City of Albany (Contractor).

- 4-7.** Resolution #07-34 – A Resolution of the Albany City Council Authorizing the City Administrator to Retain the Services of Edward Phillips as a Staff Planner in the Community Development Department and Gregory Bone as a Background Investigator and Special Projects Coordinator in the Police Department.  
(File #600-30)

**4. CONSENT CALENDAR**

**4-8.** Resolution #07-35 – A Resolution of the City Council of the City of Albany Approving the Memorandum of Understanding between the City of Albany and the Albany Fire Fighters’ Association (AFFA).  
(File 730-40)

**4-9.** Salary Schedule for the City of Albany Safety Management Employees.  
(File #700-20)

Staff recommendation: Approve Resolution #07-36 – A Resolution of the Albany City Council Approving the Salary Schedule and Establishing a Longevity Incentive Benefit for City of Albany Safety Management Employees.

**4-10.** Approval of Green Building Program Standards of Compliance.  
(File #405-25)

Staff recommendation: Approve.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar for discussion and the following items were removed: 4-1 & 4-4.

**4-1. Minutes**

Council Member Atkinson removed the June 18<sup>th</sup> minutes and asked for the following language to be included: Page 9, Item 8-1: Council Member Atkinson stated that she would support the appropriation of \$14,000 for the Chamber of Commerce and Council Member Okawachi asked for a compromise of \$16,000.

**4-4. Library Contract**

Council Member Okawachi stated that she would like to encourage the City Administrator to work with the Alameda County Library to maintain the services Albany currently has up to June, 2016 emphasizing the importance of keeping the current service level.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar with the addition to the minutes of June 18, 2007.

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 asked if anyone would like to speak and the following people came to the podium: Robert Cheasty, Albany resident; Ronnie Davis, Albany Library Branch Manager; Ray Anderson, Albany resident; Dana Milner, Albany resident; Joan Larson, Albany resident.

A summary of the comments is as follows: Announced that a meeting was held with the management at Golden Gate Fields and East Bay Regional Parks District and there is significant

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

movement on completing the Bay Trail. Commended the Albany Police Department on their quick response during a car theft. Thanked the Council for approving the Library contract to continue the service level in Albany and invited everyone to the Library this summer for some outstanding summer programs. Announced the annual Lions Club pancake breakfast on July 4<sup>th</sup> at Memorial Park and noted that the Chamber of Commerce would be giving away free ice cream. Expressed concern on the amount of money budgeted for the Civic Center Seismic Project and suggested that a blue ribbon committee be formed to review the plans, the projected cost, the timeline and project management; and a meeting with the City of El Cerrito to review its project that cost considerably less than Albany's projection. Noted that the Historical Society would be at the July 4<sup>th</sup> Celebrations and stated that the centennial book entitled "My Albany" would be released next month.

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

## 6. PRESENTATION/PUBLIC HEARING

### 6-1. Sewer Service Charge (File #1030-20)

The City Engineer noted that previously Council adopted a resolution of intention to increase sewer service charges. A direct mailing was sent to the record owner of each affected parcel notifying them of this public hearing. The purpose of the increase is in response to new state waste discharge requirements and the requirement to implement a sewer system management plan (SSMP) for the wastewater collection systems.

It was noted that under the City's Capital Improvement Program several areas of the wastewater collection system has been rehabilitated or replaced. In 2003, the City conducted a major inventory of several troublesome lines in the City. This enabled staff to establish a priority for the replacement of troublesome sewers over the next five years and to estimate the cost of these projects.

The cost of maintaining the City's aging sewer system continues to increase. These escalating costs are primarily due to "sewer emergencies" involving sewer backups in the residential and commercial areas.

In 2002, the City Council increased the sewer service charge to finance the escalating costs of sewer construction and replacement. The Council action provided that rates be increased by 10% in the 2002-03 fiscal year and by the increase in the CPI in each year thereafter. The annual adjustment by the CPI was approved and implemented under the 2002 Resolution until the year 2017, which marks the conclusion of the Sewer Compliance Program and the CDO under the current NPDES Permit.

The City Engineer explained that the increase is \$8 per year for each of the next three years in sewer service charges for a total increase of \$24 for new environmental regulations and to continue the annual rate adjustment based on the CPI.

Mayor Lieber opened the public hearing and the following people spoke: Kristina Osborne, Albany resident; Sol Strand, Albany resident; Dana Milner, Albany resident.

### **6-1. Sewer Service Charge**

A summary of the comments is as follows: A question was raised as to why this burden is being put on the residential units and not the businesses in Albany. Spoke about regressive taxes vs. a flat rate and stated that staff needs to do a better job of explaining where the costs are coming from. Supported the increase for the sewer service charge but expressed concern on how the City spends the money for the repair.

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

The City Engineer clarified the increase noting that the businesses are paying their fair share and that condominium owners pay 75% of a single residential unit.

Council Member Atkinson expressed concern about the cost for condominium owners and suggested that maybe their cost should be at 50%.

Mayor Lieber expressed concern for people on fixed incomes and asked if there was an exemption and the City Engineer responded that he didn't believe exemptions were allowed on utility user charges.

Council Member Javandel presented Resolution #07-37 – A Resolution of the Albany City Council Establishing an Increase of Eight Dollars Per Year for Each of the Next Three Years in Sewer Service Charges (\$24 Total Increase) for Environmental Compliance, and to Continue the Annual Rate Adjustment Based on the Consumer Price Index (CPI).

#### **MOTION:**

After reading the title, and waiving reading of entire resolution, it was moved by Council Member Javandel and seconded by Council Member Atkinson to adopt Resolution #07-37 and that staff come back with information regarding rebalancing the costs for apartments, condominiums and other users.

#### **ON THE QUESTION:**

Council Member Javandel stated that the intent is for an increase of \$8 the first year and the following two years same dollar amount. The City may have to modify the scale for different uses, such as: appropriate charges for apartments vs. single-family units.

Mayor Lieber stated that he is having difficulty with this concept noting that the City needs to get to the \$24 level and commented that on a future agenda the Council should look the costs and whether they are appropriate; however, the Resolution needs to be passed.

The City Attorney stated that staff would come back with a report before next year's tax role and also look at the noticing and process used.

#### **AMENDED MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to adopt Resolution #07-37 and ask staff to bring back a report on whether there are other appropriate fees for condominiums, and apartment users.

#### **ON THE QUESTION:**

Council Member Wile asked if the fee could be tied into the water usage and reward people who conserve water and the City Engineer responded that this is already in place.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**6-2. Landscaping & Lighting Assessment District #1988-1 & 1996-1**  
(File #360-20)

The Community Development Director stated that staff is recommending that the public hearing be opened and then continued to July 16, so that the Park & Recreation Commission would have a chance to discuss this item. It was noted that the Park & Recreation Commission would be discussing this at their meeting of July 12<sup>th</sup>.

The Community Development Director commented that although the majority of the funds will go toward maintaining Albany's existing lighting and landscaping infrastructure, some of the funds will be used toward improving Albany's street medians, and upgrading park and recreation facilities, as recommended by the Parks, Recreation and Open Space Master Plan.

When discretionary funds from the LLDA area available, the Park & Recreation Commission is asked to recommend specific projects to which these funds may be applied.

Council consensus was to open the public hearing and continue the hearing to July 16, 2007.

Council Member Wile expressed concern about the funds spent on the repair to the Community Center windows and asked if the City could recover the costs due to a contractor error when they put in 6" windows instead of the specified 9".

The City Attorney responded that the City has filed a lawsuit but do not expect a resolution for approximately 5-6 months.

Council Member Okawachi noted that the Historical Society has asked that the Indian stones found on Albany Hill be protected and that funds from Measure R be released so that the City can protect the stones. It was noted that Friends of Five Creeks is interested in having a bench installed in the area where the Indian Stones are located. The City Engineer responded that Measure R funds might be able to be used but would need a description to put in the Engineer's Report.

Council Member Atkinson expressed concern about the \$45,000 allocated for banners and stated that she would like to see that money used for landscaping and used for something "natural" like the Indian Stones.

Mayor Lieber commented that Albany Hill is a habitat for the Monarch Butterfly and noted how important it is to be sensitive to these issues and would like to see an Urban Forest allocation.

Mayor Lieber opened the public hearing and the following people spoke: Kim Linden, Park & Recreation Commission; Sydney Madison, Albany resident; Caryl O'Keefe, Albany resident.

A summary of the comments is as follows: Urged the Council to continue the hearing so that the Park & Recreation Commission would have a chance to comment on the projects. Suggested that the City contact the Ohlone Indians regarding the Indian Stones so that they have some input on what happens to them. Commended the Clean & Green Task Force for their comments about the Urban Forest and fruit trees; however, did question what could be done with the fruit that falls from the trees. Asked if the Community Center Tower had a practical use or was it just part of the design. Commented that on the chart it appears that the Buchanan Medians are completed but noted that is not correct. Expressed concern that the street lights need to be maintained for safety reasons.

**6-2. Landscaping & Lighting Assessment District #1988-1 & 1996-1**

The City Engineer noted that the City has an ongoing program to maintain the lights on San Pablo and Marin Avenues. The Public Works Manager stated that the Tower at the Community Center was erected for an internal fire exit if a second story had been built.

Council Member Javandel stated that the City needs to pick good street trees that will not damage the sidewalks and to install a deep root watering system, which trains the roots to grow down instead of spreading out.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to continue the public hearing for the Landscaping & Lighting Assessment Districts No. 1988-1 and 1996-1 to July 16, 2007.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**6-3. Master Fee Schedule**

(File #100-90)

The Finance & Administrative Services (F&AS) Director stated that in June, 2002 the City Council approved Resolution #02-39 amending the City of Albany Master Fee Schedule and authorizing an annual cost-of-living adjustment to fees each year thereafter. The City Council has established an objective that fees cover the cost of services provided and analysis of the cost of services is an ongoing process and fees are set annually based upon the projected costs.

The CPI for the San Francisco-Oakland-San Jose area has increased 3.2% over the prior year triggering an across the board increase in fees. The department managers have reviewed the fees in their respective departments and proposed increases or decreases as needed to more closely align fees with actual costs, while maintaining fees at levels comparative to those charged by other cities.

The F&AS Director reported the increases as follows: Administrative fees were unchanged and increased approximately 3.2%. Community Development fees were unchanged and increased 3.2%. The Fire Department fees resulted in some fees being increased to cover increased costs of services and to bring the fee recovery closer to the actual cost of service. The fees for General License and Business Regulations were unchanged and increased the Business License administrative fees and taxicab permit fees 3.2%. Police and Parking Violation fees were increased by 3.2% and the fee for interference with an officer was increased to reflect the high amount of staff time involved in resolution of this type of offense. Some of the fees were removed from the schedule. It is anticipated that the combined effect of changes to the fees will increase revenue 3% to 5% and that this increase in revenue will offset the increase cost of services provided.

Council Member Atkinson asked if the City charged for people who have a business in their home. The Planning Manager responded that the City charges for home occupation permits and the fee is \$68 and is limited to the type of use and how many people. There is an exception and that is daycare.

**6-3. Master Fee Schedule**

Mayor Lieber opened the public and as no one wished to speak Mayor Lieber closed the public hearing.

Council Member Javandel presented Resolution #07-40 – A Resolution of the Albany City Council Establishing the City of Albany Master Fee Schedule for Various City Permits, Fines and Services.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel, seconded by Council Member Wile to adopt Resolution #07-40.

**VOTE ON THE MOTION:**

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7. UNFINISHED BUSINESS**

**7-1. Clean & Green Business Task Force Recommendations**

(File #650-100)

The City Administrator stated that the Clean & Green Business Task Force has made the following recommendations: 1) Receive the report. 2) Agendize for action on July 16, 2007 Agenda the recommendation for formation of a clean and green commission/committee to work on implementation of recommendations, as directed by the City Council. 3) Agendize the Task Force report and recommendations for further discussion and direction on the July 16, 2007 agenda.

It was noted that staff has not conducted a review or analysis of the recommendations. However, note that a priority recommendation has been made to create a permanent City Commission to help City staff implement recommendations of the Task Force, develop sustainable City policies and procedures and help City staff plan educational events for the City of Albany.

Council Member Javandel thanked everyone who was involved in the Task Force noting it was an intensive effort and a lot of time.

Council Member Wile agreed and noted that the Task Force made its recommendations within 5 months and did not spend one cent of the City's money. Council Member Wile named the Chair and all members of the Task Force.

Council Member Atkinson stated that she was very impressed with the work done by this group.

Mayor Lieber recognized the elected member from East Bay Municipal Utility District who sat on this Task Force and agreed that the City needs to move forward on the recommendations.

Council Member Okawachi agreed that it was an incredible report but also noted that some of the recommendations and ideas could be handled by commissions/committees that are already in place.

The following people from the public spoke: Janet Smith-Heimer, Task Force member; Sydney Madson, Albany resident.

### **7-1. Clean & Green Business Task Force Recommendations**

A summary of the comments is as follows: Thanked James Carter, the Chair, for his outstanding leadership. Encourage people to discuss these issues and to try to come up with a way to deal with them and asked if the City could find a space that would not cost anything for residents to gather and discuss issues of importance.

#### **MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve staff's recommendations 2 & 3, as follows: Agendize for action on the July 16, 2007, Council agenda the recommendation for formation of a clean & green commission/committee to work on implementation of recommendations, as directed by the City Council; and agendize the Task Force report and recommendations for further discussion and direction on the agenda of July 16, 2007.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## **8. NEW BUSINESS**

### **8-1. Solano Avenue Association**

(File #650-100)

a. Solano Stroll – staff recommendation: 1) Direct staff to issue a no fee encroachment permit to the Solano Avenue Association for the 2007 Stroll event, scheduled for Sunday, September 9, 2007. 2) Contribute \$5,000 to the Solano Avenue Association to assist in putting on the 2007 Solano Stroll. 3) Waive fees for on-site paramedics to be on-site from 9 a.m. to 6:30 p.m.

b. Appropriation of funds for support of Solano Avenue Association – staff recommendation: Allocate \$6,000 to the Solano Avenue Association for general support of their activities in Albany for Fiscal Year 2007-08.

The Community Development Director noted that the Stroll organizers in the past prohibited vendors from selling alcoholic beverages. As part of this encroachment permit, the Albany Police Department would like to reinforce this policy by requesting that signs be posted reminding people that the Stroll is non-alcoholic event.

The Solano Avenue Association is also requesting a \$5,000 contribution and waiver of paramedic fees during the event. Both these requests have been granted in the past by the City Council and the cost for paramedic service from 9 a.m. to 6:30 p.m. is approximately \$880.

Mayor Lieber asked the cost to the City for waiving fees and the response is as follows: \$6,600 overtime; \$800 paramedic; \$9,000 maintenance crew, which includes labor and supplies. It was noted that Waste Management donates the clean up service.

Council Member Okawachi asked how much money Berkeley donates to the Stroll and was told \$30,000 in kind services and \$6,000-\$10,000 cash investment. It was noted that the Solano Avenue Association would be going before the Berkeley Council on July 3, 2007.

Mr. Robert Cheasty, Solano Avenue Stroll Association, commended everyone who participated on the Clean & Green Task Force and noted that the Stroll is focusing on green. Mr. Cheasty outlined the events being sponsored by the Solano Avenue Association and the

**8-1. Solano Avenue Association**

associated costs: \$5,000 Solano Stroll; \$5,000 Lunar New Year; \$5,000 banners; \$6,000 for other events. Total \$21,000.

Council Member Okawachi stated that she believes it very important to include San Pablo Avenue and the Eastshore Highway commercial district so that they can benefit from the City’s contribution. Mr. Cheasty agreed and stated he bought this before the Board of Directors and it was agreed to expand the area.

Mayor Lieber commented that the City contributed \$16,000 to the Chamber of Commerce, which was less than what they requested. Mayor Lieber stated that he does support giving money towards specific events, such as the Stroll and other events it sponsors if the City can afford it.

Council Member Javandel stated that he would not want to preempt other events and would support funding the Stroll but believes it makes sense for groups to come back periodically for additional funds so that other groups could also benefit.

Council Member Okawachi stated that she agreed.

Council Member Atkinson suggested the \$6,000 for the Stroll and let the Association decide where the money is to be spent and noted that she does not like the idea of a group having to keep coming back to the Council for money.

Council Member Wile stated that the Chamber of Commerce received \$16,000 and they cancelled events and the Stroll Association attracts over 300,000 people to their event. Council Member Wile stated that she believes it is appropriate to compensate an organization on what they do for the City and not give the appearance that a group is being rewarded when it is not producing.

There was discussion between the Council on whether to use the discretionary funds for this request and it was noted that those funds are there for an emergency situation.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to direct staff to issue a no fee encroachment permit to the Solano Avenue Association for the 2007 Stroll and to contribute \$5,000 to the Solano Avenue Association to assist in putting on the 2007 Stroll and to waive fees for on-site paramedics from 9 a.m. – 6:30 p.m. Also authorized \$6,000 for general support of their activities for Fiscal Year 2007-08 and noted that the Arts Committee should approve the banner design.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

10:40 p.m. Council Member Okawachi was excused from the meeting.

**8-2. Environmentally Preferable Purchasing Policy**

(File #405-35)

The Community Development Director reported that the City has adopted several green initiatives endorsed by Stopwaste.Org including a Green Building/Bay Friendly Landscaping Ordinance, Construction and Demolition Debris Recycling Ordinance and a Greenhouse Gas Emissions Goal to reduce emissions 25% below 2004 levels by 2020.

**8-2. Environmentally Preferable Purchasing Policy**

Adoption of an Environmentally Preferable Purchasing Policy is another means that will enable the City to demonstrate its commitment to promoting environmental stewardship and sustainability.

The Policy identifies eight areas of opportunity for environmentally-friendly alternatives to current activities and outlines criteria for purchasing decisions including: Source reduction and waste prevention, recycled content products, energy and water savings, green building, landscaping, toxics and pollution, forest conservation and bio-based products.

Council congratulated staff on being the first City in Alameda County to adopt this Policy.

Council Member Javandel presented Resolution #07-33 – A Resolution of the Albany City Council Adopting an Environmentally Preferable Purchasing Policy.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Atkinson to adopt Resolution #07-33.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-3. Ordinance #07-03 – Redevelopment Area  
(File #460-10)**

The Finance Director reported that SB 53 added Section 33367(d)(6) to the California Health and Safety Code. This legislation requires all Legislative bodies that adopted a redevelopment plan prior to January 1, 2007 to adopt an ordinance that describes their redevelopment agency’s program regarding the use of eminent domain in the acquisition of property.

The Cleveland Avenue/Eastshore Highway Redevelopment Plan adopted in 1998 provided for the use of the power of eminent domain in the acquisition of land in the redevelopment plan area. However, this plan was amended by a stipulated judgment in 2001 to prohibit the use of eminent domain to acquire land within the redevelopment area.

Council Member Javandel introduced 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. First Reading.

**MOTION:**

After reading the title, and waiving reading of entire Ordinance it was moved by Council Member Javandel, seconded by Council Member Wile to approve Ordinance #07-03 for First Reading.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-4. League of California Cities Voting Delegate**  
(File 140-30)

The League of California Cities each year has an annual conference and each City has one voting delegate and one alternate. The City Council must appoint their delegate and alternate.

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Wile to nominate Council Member Javandel, as the voting delegate and Mayor Lieber, as the alternate.  
Motion carried and so ordered.

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

Council Member Atkinson reported that she attended the ACAP meeting, which she enjoys very much.

Council Member Javandel stated that he would be out-of-town for the July 16<sup>th</sup> meeting at an Engineer’s Conference, but would be teleconferencing.

Mayor Lieber announced the following: 1) The City received a \$2.1 million grant for Codornices Creek. 2) Comcast agreement reached to carry the Berkeley channel and the City will now have access to the Berkeley Production facility. 3) July 4<sup>th</sup> Celebration will start with a pancake breakfast and dog jog.

**10. ADJOURNMENT**

10:55 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting with a moment of silence in memory of Mamiko Sawai, Nikki Morrissey, Kim Morrissey and Kevin Morrissey.

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

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ROBERT S. LIEBER  
MAYOR

ATTEST:

\_\_\_\_\_  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK