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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, JUNE 18, 2007

7:20 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: City Administrator and Glenn Berkheimer, IEDA

Employee Organization: Albany Fire Fighters Association; Albany Municipal Services JPA and City of Albany Management Safety.

Closed session to discuss personnel pursuant to Government Code Section 54957(b)(1).

Appointment of Recreation & Community Services Director

ADJOURN TO CLOSED SESSION

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; Charles Adams, Finance Director; Jeff Bond, Planning Manager; Judy Lieberman, Assistant City Administrator; Dennis Smith, Interim Recreation Director; Randy Leptien, Contract Engineer

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

Mayor Lieber reported that directions had been given to the City's negotiator.

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 \$194,054.19; taxes, benefits & withholdings in the amount of \$156,084.88. Total payroll in the amount of \$350,139.07. Payroll period: 06/08/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,127.38; taxes, benefits & withholdings in the amount of \$33,692.28. Total payroll in the amount of \$77,819.66. Payroll period: 06/08/07.

Staff recommendation: Ratify.

4-2. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$424,085.18. Period: 06/01/07.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,478.00. Period: 06/01/07.
(File #300-40)

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-3.** Resolution #07-28 – A Resolution of the Albany City Council Approving the Application for Grant Funds from Target Corporation for the City of Albany’s Music in the Park Concert Series.
(File #345-25)

Staff recommendation: Adopt Resolution #07-28.

- 4-4.** Resolution #07-29 – A Resolution of the Albany City Council Authorizing the City Administrator to Execute a Grant Funding Agreement and to Commit the Necessary Non-Measure B Match and State the Assurance to Complete 35% Plans, Traffic Analysis and Environmental Work for the Buchanan Bicycle and Pedestrian Plan Project.
(File #345-40)

Staff recommendation: 1) Approve Resolution #07-29. 2) Authorize City staff to issue a Request for Proposal (RFP) from qualified consulting firms for the development of this plan.

- 4-5.** Resolution #07-30 – A Resolution of the Albany City Council Establishing the Appropriation Limits for the 2007-08 Fiscal Year at \$13,041,960.
(File #330-25)

Staff recommendation: Approve.

- 4-6.** a. Resolution #07-31 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 for the 2007/08 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972) and Set a Public Hearing for July 2, 2007 on the Proposed Assessments.

b. Resolution #07-32 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1996-1 for the 2007/08 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972).
(File # 360-20)

Staff recommendation: Approve Resolutions #07-31 & 07-32 and Schedule a Public Hearing for July 2, 2007.

- 4-7.** Public hearing for modification of Master Fee Schedule.
(File 100-90)

Staff recommendation: Schedule a public hearing on the proposed adjustments to the City’s Master Fee Schedule for July 2, 2007.

4. CONSENT CALENDAR

- 4-8.** Temporary street closures on July 4, 2007.
(File #820-70)

Staff recommendation: A) Approve the closure of a two-block area of Portland Avenue between Carmel and Pomona Avenues in front of Memorial Park on July 4, 2007, from 6 a.m. – 5 p.m. B) Approve the temporary closure of Buchanan Street west of the I/80/580 freeway interchange on July 4, 2007 from 6:00 p.m. – 10:00 p.m.

- 4-9.** Contribution to City, Non-Profit, Local Public Agencies, Individuals and Other Organizations for Albany Projects or Programs.
(File #100-30)

Staff recommendation: Adopt Committee recommendations to fund six non-profit organizations that provide services to the Albany community.

- 4-10.** Traffic & Safety Commission review of the June 6, 2007, pedestrian-vehicle fatal accident on Marin Avenue at Talbot, and other recent accidents.
(File #590-50)

Staff recommendation: Direct staff to agendize for the Traffic & Safety Commission meeting of June 28, 2007, a review of three recent accidents, two of which were fatalities (one on Solano in Berkeley), and all three of which involved arrests for driving under the influence of alcohol.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar. The following items were removed for discussion: Item 4-5, 4-6 & 4-9.

4-5. Appropriation Limits

Council Member Okawachi stated that the Resolution makes reference to an attachment, which was not provided. The Finance Director responded that was an oversight and he would submit the attachment for Council review. The Finance Director noted that the Appropriations Limit is 20% of the budget with a small increase from previous year.

4-6. Lighting & Landscaping Assessment Districts

Council Member Atkinson asked what the banner program on Marin was and the Engineer responded that it is for metal banners for a beautification program. The City Administrator stated that the previous City Council approved the concept a year ago, however, it was sent back to staff for an engineering analysis.

Mayor Lieber asked what material is being used and the Engineer responded aluminum. The Assistant City Administrator responded that the City is still waiting for some engineering data.

4. CONSENT CALENDAR

Council Member Okawachi asked a question on the Urban Forestry Program in the Lighting & Landscape Assessment District budget.

The City Administrator commented that the Park & Recreation Commission would be meeting on June 28th regarding this subject.

4-9. Contributions to Non-Profit, Local Public Agencies, Individuals and Other Organizations for Albany Projects or Programs

Council Member Okawachi asked if the Social & Economic Justice Commission had dealt with the homeless program material handouts. The Assistant City Administrator responded no but would be discussed in the upcoming fiscal year.

MOTION

Moved by Council Member Javandel, seconded by Council Member Okawachi 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.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Lieber opened the Good of the City/Public Forum/Announcements and the following people spoke: Robert Cheasty, Albany resident; Tom Keligan, Berkeley resident; Maureen Crowley, Albany resident; Ed Fields, Albany resident; Eve Callan, Future Leaders Institute; Brian Parker, Albany resident.

A summary of the comments is as follows: Spoke on the recent pedestrian deaths resulting from drunk drivers. Commented that the Marin Avenue Traffic Calming Project has not been completed, as the bulb-outs have not been implemented and urged the Council to get this back on the table to be completed. Expressed concern about the Civic Center Project and the \$14.5 million dollar cost and asked that a check be prepared to make sure the expenditures are justified. A concern was raised about the number of trucks that are going the wrong way on Kains that are part of the development on San Pablo Avenue. Asked that the City and the Police Department have the maximum penalties for drunk driving arrests. Commented on the traffic problems and noted that Berkeley cites drivers for going through a crosswalk; however, Albany does nothing. Asked the Council for more money for the Future Leaders Institute and spoke on the various teenagers involved in this program. Announced a Waterfront Committee meeting with Don Neuwirth regarding the Waterfront Planning Work Program that will be held on Tuesday, June 19th at 7:30 p.m. at the Council Chamber. Agreed with previous speaker on the Civic Center Project and was surprised that the FEMA grant did not cover the extra costs.

Council Member Okawachi noted that a memorial for Ruth Meniketti would be held sometime in September.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Lieber announced Hal Carlstad a long time activist and environmentalist passed away and would adjourn the meeting in memory of Ruth Meniketti and Hal Carlstad.

Council Member Atkinson announced the vacancy on the Albany School Board and noted that the deadline for submission of an application is June 20, 2007.

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

6. PRESENTATION/PUBLIC HEARING**7. UNFINISHED BUSINESS****7-1. Golden Gate Fields Track Resurfacing**
(File #410-20)

The Planning Manager reported that this item was referred from the meeting of June 4, 2007, to allow staff time to correct and update some of the revenue information. In summary, the proposed project at Golden Gate Field involves replacing the existing dirt track with an artificial track material, pursuant to the requirements of the California Horse Racing Board. The proposed project requires a grading permit and a building permit from the City of Albany. In addition, the project is expected to require approvals from the Regional Water Quality Control Board and from the Bay Conservation and Development Commission. At this time, staff is concluding its analysis as to the environmental review required under the California Environmental Quality Act (CEQA).

Revenues from the track include standard property taxes, sales taxes plus voter approved assessments and taxes. It also includes the City's share of wager handle on live racing. The City estimate for FY 2006/07 is \$984,810 and the School District estimate for FY 2006/07 is \$732,533.

The following people spoke: Robert Cheasty, Albany resident; Francesco Papalia, Albany resident; Maureen Crowley, Albany resident; Nan Wishner, Albany resident.

A summary of comments is as follows: A question was asked of staff regarding the State backfill of funds to the Schools. Commented on the difference between an Ad Valorem tax and Property Tax. Asked for an update on the rat problem at the Track.

The Finance Director explained the State backfill process and Mayor Lieber stated that regardless of what happens with Golden Gate Fields the School District will not suffer.

No Council action required.

7-2. Art Project at Memorial Park
(File #600-30)

The Interim Recreation & Community Services Director reported that in 2006 the City Council approved the use of a percentage of the budget for park renovations for the commissioning and installation of public art features at Ocean View, Terrace and Memorial Parks.

In June, 2006, a “Call for Artists” was issued to artists residing in Northern California. The goal of the public art project is to commission an artist to create an interactive, sculptural artwork that includes landscape and seating elements, which is sensitive in theme and design to the Veterans Memorial building, the defining feature of the park.

In December, 2006, a Selection Panel was composed and reviewed application materials from nine applicants. Two finalists had their work on display at the lobby of the Community Center and the public was asked to rate each piece of art.

After much deliberation the panel voted to recommend that the Arts Committee award a contract to artist Gina Telcocci of Oakland.

Nan Wishner, Arts Committee, gave a presentation, which included a small version of the piece of art so that Council could see what was approved.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Atkinson to authorize the City Administrator to enter into a contract with Gina Telcocci in an amount not to exceed \$24,449.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-3. Green Building Program Standards of Compliance
(File #405-25)

The Planning Manager asked that this item be continued, as the final standards were not included for Council and a matrix will be given to the Council the next time it is discussed.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to continue this item.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS**8-1. Appropriation of Funds for Support of Albany Chamber of Commerce**

(File #130-30)

The Assistant City Administrator reported that in Fiscal Year 2006/07 the City of Albany provided \$21,000 in financial support for the Albany Chamber of Commerce and they have requested the same funding for Fiscal Year 2007/08.

In addition to the funding allocated for general support, the City has also allocated \$5,000 from the Landscape & Lighting Assessment District 1988-1 as "startup" funding for a program to install decorative banners on San Pablo Avenue. This allocation was to be used as a reimbursement for hardware to install the banners; however, since the program did not get underway in FY 2006/07 the funds were never spent and are still in the Landscape & Lighting Assessment District budget.

The Assistant City Administrator noted that staff prepared a survey of surrounding cities to ascertain the type of support that is provided to local Chambers of Commerce. It appears that cities in this area often do provide some type of support, although it is usually tied to a specific service or event.

Dana Milner, outgoing Chamber President and Todd Abbott, incoming Chamber President both spoke to the Council. It was noted that the majority of funding goes to rent and clerical support and stated that the office is only open for 4 hours per day. It was also stated that the funds requested would put the Chamber on track for self-sufficiency within 3 years. The Chamber would be holding more events and a lot more publicity and would look at other ways to obtain funding.

Council Member Okawachi stated that she would like to see the Chamber open more hours.

Council Member Wile stated that she has noticed the low turnout at the Chamber mixers.

Council Member Atkinson noted that the City is going to be hiring an Economic Development person and hopefully they would be able to help the Chamber.

The following people spoke: Elisabeth Bell, Albany resident; Brian Parker, Albany resident; Francesco Papalia, Albany resident; Ray Anderson, Albany resident. Maureen Crowley, Albany resident; Nan Wishner, Albany resident.

A summary of the comments is as follows: Spoke about the increase in rent and salary for clerical support. Opposed to staff's recommendation noting the Chamber receives more than any other group and stated that many members left the Chamber during the Caruso era. Commended Dana Milner for spearheading the renovation of the Chamber offices. Supported the Chamber's request noting it has done a lot of improvements over the past months. Support the Chamber and small businesses and suggested the City find space in the renovated Civic Center for the Chamber to use as their office. Would like to know why members are leaving the Chamber.

Council Member Wile applauded the incoming President for the new direction that he is going to take the Chamber but believes the City should not be supporting the Chamber with the amount of funds being requested. Council Member Wile suggested the

8-1. Appropriation of Funds for Support of Albany Chamber of Commerce

City offer \$1,000 per month for 6 months to get the Chamber back on its feet and does not support staff's recommendation.

Council Member Okawachi disagreed with Council Member Wile stating that the Chamber needs time to get back on their feet. The Chamber is a very important entity in the community and it needs to get more members and suggested the Chamber come back with a plan for the next 6 months.

Council Member Atkinson stated it is important to support the Chamber of Commerce but do not believe it fair it takes the bulk of the money and would not support the full \$21,000, as requested.

Council Member Javandel stated that he understands that the Solano Avenue Association is going to ask for a bigger amount of money than what they have requested in the past. Council Member Javandel indicated that he would support the funding requested if the Chamber comes back in 6 months to show what they are going to do.

Council Member Atkinson stated the Chamber must provide specific goals.

Mayor Lieber stated that he has always had difficulty with the City funding the Chamber and believe that self-sufficiency is paramount. Mayor Lieber commented that the City and the Chamber should work together on specific projects.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel to approve staff's recommendation: 1) Pursuant to Council past practice and appropriation in the existing 2006/08 budget for community promotions, allocate \$10,500 to the Albany Chamber of Commerce for the first six months of fiscal year 2007/08. 2) Schedule a six-month City Council review of the Chamber budget, expenditures and activities to review allocation of up to \$10,500 for the third and fourth quarter payments to the Chamber. 3) Renew the allocation of \$5,000 as a reimbursement for hardware to support a San Pablo Avenue Banner Program.

AYES: Council Members Javandel & Okawachi

NOES: Council Members Atkinson, Wile & Mayor Lieber ABSENT: None

Motion Failed.

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.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Javandel to allocate \$16,000 and the Chamber does not have to come back to Council in six months and the banner project to go through the Arts Committee before it comes back to Council.

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

NOES: Council Member Wile ABSENT: None

Motion carried and so ordered.

8-2. Ordinance No. 07-02 – State Franchised Video Service Providers
(File #1050-30)

The Assistant City Administrator reported that Ordinance #07-02 updates the Municipal Code to reflect recent legislation creating a state franchising system for video service providers. The Ordinance establishes a schedule of penalties for material breach of customer service standards by state franchise holders and institutes a Public, Educational or Governmental (PEG) channel access fee of 1% for state franchise holders.

It is likely that Comcast will apply for a state franchise in January, 2008. In addition, the PUC awarded AT&T a state franchise on March 30, 2007, and is possible that they will enter into the video services market in Albany in the future.

Other issues outstanding will include a more substantial revision to the City existing Cable TV Ordinance once the franchise agreement with Comcast is concluded and the adoption of an encroachment permit process to address anticipated applications from AT&T and other video service providers.

The Assistant City Administrator noted that Ordinance #07-02 is before Council for first reading.

Nan Wisher, Albany resident asked that the City insist on cable and not wireless and asked that this be put into the new Ordinance.

Council Member Javandel introduced Ordinance #07-02 – An Ordinance of the City Council of the City of Albany Regarding State Franchised Video Service Providers and Adding Article VI-A to Chapter 30 of the Albany Municipal Code.

MOTION:

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Javandel and seconded by Council Member Wile to approve Ordinance #07-02 for First Reading.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-3. Association of Bay Area Governments FOCUS Initiative and Priority Development Area Application Process
(File #140-10)

The Planning Manager reported that the Association of Bay Area Government (ABAG) has initiated the FOCUS program as a multi-jurisdictional initiative to plan for future regional growth. An element of the FOCUS program is the designation of “Priority Development Areas” (PDA). The concept is that in the future, state and regional funds for housing, transportation and open space can be linked to geographic locations that are consistent with regional smart growth principles.

The first round of applications to establish priority development areas is due June 29, 2007. A resolution of the City Council supporting the application is due by September 7, 2007.

It was noted that the PDA program is not fully developed and in the case of Albany, portions of the San Pablo Avenue corridor might be considered appropriate areas, given the availability of public transit. However, several elements of the program

8-3. Association of Bay Area Governments FOCUS Initiative and Priority Development Area Application Process

do not appear to be a good fit for Albany. For example, the recommended area size is 100 acres and in Albany there are no planning areas of that size other than the waterfront.

In addition, many cities have gone through a comprehensive planning process for transit villages and have established policies and programs in place. In Albany, however, no existing planning approvals are in place and projects are considered on a case-by-case basis. The City will be initiating a comprehensive general plan update over the next few years and from that process may develop a better position to submit one or more applications in the subsequent rounds of applications.

The following people spoke: Ed Fields, Albany resident; Robert Cheasty, Albany resident; Maureen Crowley, Albany resident.

A summary of the comments is as follows: Not sure that City staff should be directed to work on this and suggested the City identify a priority conservation area, which should be the waterfront. Suggested that the needs of the business community be included. Opposed to this plan, as Albany is already very crowded and spent many years working on height restrictions. Concerned that Albany will lose its local control and the City doesn't need any new businesses until the ones already here are stabilized.

Mayor Lieber noted this is voluntary and Albany shouldn't do something outside of its Ordinances and should remain true to the laws already in place.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to approve staff's recommendation to direct staff to work with other agencies and with the Planning & Zoning Commission to identify a potential Priority Development Area (PDA) for consideration by the City Council in submitting a grant application at the next available and appropriate opportunity.

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

10. ADJOURNMENT

10:40 p.m. – There being no further business before the City Council it was adjourned with a moment of silence in memory of Ruth Meniketti and Hal Carlstad.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK