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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, MAY 21, 2007

7:00 p.m.

CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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

Property:	1495 Solano Avenue; 578 Cleveland Avenue; 520 Cleveland Avenue, Vacant lot at 505/507 Adams; Abandoned College of Natural Resources site – Gill Tract.
Negotiating Parties:	JL Lemm & Associates; Robinson, McNally; Paul Shattuck; Ken Friedman, John Tierney; University of California.
Under Negotiation:	Terms and conditions to lease space for temporary relocation space.

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

Agency Negotiator:	City Administrator and Glenn Berkheimer, IEDA
Employee Organization:	Albany Municipal Services JPA and City of Albany Management Safety.

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; Marc McGinn, Fire Chief; Brian Crudo, Battalion Chief; Sandy Weeks, Office Assistant; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Chelle Putzer, Recreation Supervisor; Jeremy Allen, Youth Services Supervisor.

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

Mayor Lieber announced that no decision was made in Executive Session.

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, May 7, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$171,060.28; taxes, benefits & withholdings in the amount of \$133,291.17. Total payroll in the amount of \$304,351.45. Payroll period: 05/11/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,198.48; taxes, benefits & withholdings in the amount of \$33,281.36. Total payroll in the amount of \$76,479.84; Payroll period: 05/11/07.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$241,068.18. Period: 05/04/07.

Staff recommendation: Approve.

- 4-4.** Third Quarter Fiscal Year 2006-07 Financial Statements, PERS Side Fund Payment and Fiscal Year 2006-07 Budget Modification.
(File #330-20)

Staff recommendation: 1) Approve a \$1 million pay down of Public Employees Retirement System (PERS) Police and Fire Retirement Side Funds. 2) Approve modification of the fiscal year 2006-07 budget to transfer \$1.3 million from the General Fund to the Capital Facilities Fund.

- 4-5.** Contract with Don Neuwirth & Associates to draft a work program for waterfront planning for recommendation to the City Council.
(File #600-30)

Staff recommendation: Information item.

- 4-6.** Civic Center relocation during seismic retrofit and renovation project.
(File #200-30)

Staff recommendation: 1) Per direction and terms discussed in closed session, authorize the City Administrator to enter into a lease agreement for the lease of 1495 Solano Avenue, as a temporary relocation site for city departments. 2) Per direction and terms discussed in closed session, authorize the City Administrator to enter into a lease agreement for the lease of 578 Cleveland Avenue, as a temporary relocation site for city departments. 3) Direct staff to develop plans for any renovations necessary to move the Fire Department into the City's Maintenance Center.

- 4-7.** Social & Economic Justice Commission recommendation regarding HR 1590 – The Safe Climate Act.
(File #405-10)

Commission recommendation: Adopt Resolution #07-20 supporting reduction of greenhouse gas emissions as proposed in the Safe Climate Act.

- 4-8.** City Attorney Spring Conference/AB 1234 Report.
(File #640-15)

Staff recommendation: Information only.

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

4-4. Third Quarter Fiscal Year Financial Statements

Council Member Okawachi asked what the fund balance was this time last year and the Finance Director responded \$100,000 and noted that the fund is growing moderately with an increase of \$50,000.

4-5. Contract for Work Program for Waterfront Planning

Mr. Bob Outis expressed concern that only one applicant had decided to throw their hat in the ring and suggested that there be a proper open process that supports a variety of interests.

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

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

Please go to our website at www.albanyca.org to view all future Commission and Committee meetings.

Mayor Lieber announced that the City has been successful in obtaining a FEMA grant in the amount of \$1.7 million for the remodeling of the Civic Center.

Mayor Lieber asked if anyone would like to speak and the following people approached the podium: Alan Riffer, Albany resident; Ray Anderson, Albany resident; Doug Donaldson, Albany resident; Caryle O'Keefe, Albany resident; Sally Outis, Albany resident; Allan Maris, Albany resident.

A summary of the comments is as follows: Announced that the Friends of the Albany Library raised \$7,660 through their annual book sale and expressed particular thanks to Marsha Skinner, Joan Larson and Ronnie Davis. Rebutted a "rumor" that was sent by e-mail regarding actions of a community member and Council Member; Suggested that an Ad Hoc Committee be formed to work on City signage into the City, and recommended a representative from the Community Development Department, the Arts Committee, the Social & Economic Justice Commission, the Albany Community Foundation, and the Chamber of Commerce be members. Asked that the City consider video taping the Waterfront Committee meetings noting that a letter was sent in February regarding this and asked for a status report. Asked when the CDBG home repair funds for low/moderate incomes would be available. Announced that Marsha Skinner was in Hayward tonight being honored for her service to children and that on May 30th the PTA Council would also be honoring her. Announced that on May 23 at 7:30 p.m., Albany Veterans Building, the Veterans for Foreign Wars would be having a Memorial Day

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

celebration. Announced that Albany resident, Kathy Henley, received an award for service from the Albany/Berkeley Mental Health Board.

The City Administrator responded to the question about the availability of the CDBG funds noting that she would get the information to the speaker.

Mayor Lieber closed the Good of the City/Public Forum/Announcements, as no one else wished to speak.

6. PRESENTATION/PUBLIC HEARING

6-1. Albany Local Emergency Response Teams (ALERT) Block Captain Program

(File #520-60)

The Fire Chief gave a presentation noting that in 1997 ALERT grew to 125 organized residential blocks representing approximately 70% of the City and currently there are 38 organized block captains.

The Fire Chief stated that the Fire Department and the Recreation Department are assisting ALERT by placing information on the City web page, periodic news releases, City newsletters and the Park and Recreation Activity Guide. Also a new video has been prepared that will appear on Channel 33 and at this point, the Recreation Supervisor showed the Council and the audience the video that would appear on Channel 33.

The Fire Chief issued the Council a challenge asking each of them to recruit 20 new block captains. Council Member Wile requested a City map that shows the existing block captains.

It was noted that a good way for neighbors to become aware of the block captain program is to have block party although concern was noted about the cost, which includes \$26 application fee and approximately \$175 for insurance.

The Recreation Supervisor advised the Council that the \$26 application fee is waived if police or fire are invited to make a presentation at the block party.

The following people spoke on this issue: Christiane Khan, Albany; Robert Cheasty, Albany resident; Allan Maris, Albany resident; Francesco Papalia, Albany resident; Brian Parker, Albany resident.

A summary of the comments is as follows: Agreed that the best way to attract block captains is to have a block party and invite the Police and Fire Department. Urged everyone to strap their water heaters and bolt the house foundation and protect the pony walls. Noted that residents don't have to take the organized training for becoming a block captain but could read the manual. Spoke about a "point of sale ordinance" and putting money aside for people to use on seismic upgrades. Suggested that the kit the Fire Department sells could be given to people who take the training to become a block captain. Expressed disappointment when volunteered to help and no one at the Fire Department took his name or telephone number.

Mayor Lieber stated that he believes the fees do put people off and suggested the City look at ways to decrease the cost.

6-1. Albany Local Emergency Response Teams (ALERT) Block Captain Program

Council Member Wile asked that this issue be referred to the Disaster Preparedness Group.

Council agreed.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

8-1. Web Site Redesign

(File #150-35)

The Assistant City Administrator reported that the City's web site first started in 1996/97 and in 2000, the City contracted with InfoLane Corporation to redevelop and host the City's website.

The City's website consists of a variety of "flat" pages with links and its format is out-dated. It has become apparent that the demand for web services from residents is growing, web capabilities are not being taken advantage of in the existing site, and those interested in the activities of the City are being under served.

The Assistant City Administrator stated that other web sites were reviewed and meetings with each department to discuss what their current and future needs would be for a redesigned web site.

Staff is recommending Vision Internet, which has provided web design primarily for municipalities and other government agencies since 1996. Their design for StopWaste.org is familiar to staff and provides a very interactive and user-friendly structure. Although their bid was on the high side at \$35,000 there are significant cost savings in the long run. For example, the two other proposals charged extra for additional on-line forms (+\$650) or e-mail notification (+\$1,000). These costs raise the lower priced proposals significantly, and in addition are less user-friendly for staff and the public.

One of the main changes is using site based on a Content Management System (versus the current HTML system) that will allow for non-technical staff to update, add, delete content such as announcements, articles, news, press releases, calendars, documents, pictures, pages, make forms/surveys-keeping information current and relevant.

Another upgrade that has been identified as a goal of the Ad Hoc Cable TV Committee, which also was raised during the Council goal-setting process is the ability to have live web streaming of City Council meetings and to have meetings archived on our web site.

The primary provider of video web-streaming services for local government is Granicus, Inc. One-time funds of \$22,500 are needed, and additional annual operating funds of \$11,400 in FY 2007/07 and \$15,700 annually thereafter. If Council were interested in pursuing Granicus, review of potential funding would be discussed during Council consideration of the 2007-08 budget.

8-1. Web Site Redesign

The City could choose to archive either video or audio files on our website plus continue to offer them at the Library and for sale at City Hall. This would be possible under the Vision Internet proposal, although there would be some limitation in the number of archived video files available. Currently, there are only two regularly ongoing requests for the DVDs of the City Council meetings.

The Recreation Supervisor at this time gave a demonstration of other websites that are currently using Vision Internet. The Youth Services Supervisor gave a demonstration of Granicus and web streaming.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Atkinson to
1) Authorize staff to enter into an agreement with Vision Internet for an amount not to exceed \$35,000 for upgrades to the City's website and authorize budgeting of funds for the FY2007-08 budget to implement the upgrade. 2) Receive presentation on Granicus video web streaming services for future budget consideration.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. Golden Gate Fields Track Resurfacing Project

(File #410-20)

The Planning Manager reported that Golden Gate Fields is proposing a project to resurface the dirt racetrack and replacing it with a synthetic surface to improve horse and rider safety. The State Horse Racing Board mandates this surface replacement and once in place there will be substantial reduction in the amount of water required for track operations.

This request would not result in a change of land use and noted that the General Plan land use designation for Golden Gate Fields is Commercial Recreation with a Creek Conservation Zone overlay on the eastern straightaway part of the track.

The Planning Manager stated that the proposed project requires a grading permit from the City. In addition, the project is expected to require approvals from the Regional Water Quality Control Board (for the track's Storm Water Pollution Prevention Program) and from the Bay Conservation and Development Commission. These agencies have responsibilities and procedures separate from the City.

At this time, staff has not concluded its analysis as to the environmental review required under the California Environmental Quality Act (CEQA). One of the key issues is whether the project is "categorically exempt" pursuant to CEQA requirements. As the required permits are approved administratively, staff is responsible for making the CEQA determination.

As part of the application process, staff requested and Golden Gate Fields has cooperated in submitting supplemental information regarding hydrology, water quality and soil conditions. The preliminary results are favorable in all categories.

8-2. Golden Gate Fields Track Resurfacing Project

The Planning Manager reported that the City has retained outside legal services and outside consultants to review CEQA requirements and technical studies presented by the applicant. Staff does not intend to issue its decision until the review process is completed.

Mayor Lieber stated this is an informational item and no decision will be made tonight.

The following people spoke on this issue: Peter Tunney, Golden Gate Fields; Robert Hartman, Golden Gate Fields; Dr. Diane Isabel, Veterinarian at Golden Gate Fields; Charles Dougherty, representing the Thoroughbred Trainers; Drew Cotou, representing the Thoroughbred Owners; Francesco Papalia, Albany resident; Deborah Dove, Albany resident; Steven Misenberg, representing the Para mutual Clerks; Christiane Khan, Albany resident; Robert Cheasty, representing Citizens for Eastshore State Park; Norman LaForce, representing the Sierra Club; Brian Parker, Waterfront Committee; Ruth Ganong, Albany resident; Bob Outis, Albany resident.

A summary of the comments is as follows: Noted that this is a mandate from the State Racing Board and believe the project is categorically exempt from CEQA. Informed the Council that if the permit is not approved soon the track will lose the racing days next year and noted this would represent 10% loss to the City's budget. Spoke about the horse and jockey safety noting that the engineered surface is much safer for both horse and jockey. Stated that the key objective is for the horse safety. Expressed concern that if the permit is denied what would the City do regarding the subsequent loss of revenue to the City. Spoke about the unemployment issue if the track is forced to close for next year's racing. Noted that the Waterfront Park has endangered species living there and believes this project should go through a CEQA review and that the project is not exempt. Stated that this should be an open public process and that staff should proceed with an initial study. Expressed concern that the Sierra Club wants the track to leave Albany and urged the Council to think beyond the Sierra Club. Objected to this item being on the agenda and noted it is a staff decision.

The City Attorney advised the Council not to make any statements tonight or to form any opinion, as they may at some point sit as a quasi-judicial body.

Council Member Javandel asked staff about the money the School District receives from Golden Gate Fields and the City Administrator responded that she would provide that information to Council.

Council Member Okawachi asked how much money the City actually receives from Golden Gate Fields operations and the City Administrator replied approximately half a million dollars.

Council commended staff for all their hard work on this matter.

8-3. Rodent Control Issues at Golden Gate Fields

(File #130-80)

The Community Development Director reported that Council asked for information on Golden Gate Fields' approach to rat eradication. According to Golden Gate Fields staff, the problem is primarily located in and around the stable area where the

8-3. Rodent Control Issues at Golden Gate Fields

presence of horse feed attracts the rats. The track's current approach to eradicating rats is through the use of bait stations, where a rat enters a box, ingests poison and either dies in the box or goes elsewhere to die. This approach has been used for years and to their knowledge there have been no cases of secondary poisoning to other animals or birds, as a result of eating a poisoned rat.

Golden Gate Fields has begun exploring an integrated pest management program (IPM) approach. Berkeley Vector Control conducted a recent site visit evaluating existing conditions and will provide written recommendations. City staff has provided Golden Gate Fields the names of several reputable companies in the IPM field.

The following people spoke on this issue: Robert Hartman, Golden Gate Fields; Dana Milner, Albany resident; Robert Cheasty, Albany resident; Nan Wishner, Albany resident; Alan Riffer, Albany resident.

A summary of the comments is as follows: Noted that the problem with the rats is the horse feed and water. Stated that the problem is with the sewer system throughout the City and noted the City needs to deal with the rats in the City of Albany. Believe the way to solve this problem is to work with the community. Noted that this is an ecological problem and would be happy to talk with Golden Gate Fields during a public process. Expressed concern that Golden Gate Fields is being singled out.

Council Member Wile thanked Peter Tunney and Golden Gate Fields for looking into ways to control the rat problem and will continue to talk about this problem.

Council Member Javandel noted that Golden Gate Fields is heading in the right direction regarding this problem.

Mayor Lieber applauded Golden Gate Fields for bringing this issue to the City and urged them to use an IPM approach as a method of eradicating the rats. Mayor Lieber noted the concern is for the wildlife that surrounds the track and looks forward to seeing the progress of this problem.

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

9-1. City offices will be closed on Monday, May 28, 2007, in observance of Memorial Day.

Council Member Okawachi reported on the following events: 1) Senior Center pancake breakfast. 2) Albany/Berkeley Mental Health program and the honoring of Albany resident Kathy Henley. 3) Attended the 100th anniversary celebration at the Albany United Methodist Church. 4) Announced that Wednesday, May 23 at 7:30 p.m. at the Veterans Memorial Building there would be a concert honoring Memorial Day.

Mayor Lieber reported on the following events: 1) Met with Loni Hancock. 2) Met with Gilman JPA and discussed the new ball fields. 3) Encouraged everyone to attend the program at the Veterans Memorial Building on May 23rd. 4) Attended the 100th anniversary of the Albany United Methodist Church. 5) Announced that the City received a \$1.7 million FEMA grant for the seismic upgrades to the Civic Center.

Council Member Javandel reminded everyone to attend the Green Albany event on June 3rd, 11 a.m. – 2 p.m.

10. ADJOURNMENT

10:50 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

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

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK