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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, MARCH 19, 2007

7:30 p.m.

CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss labor negotiations pursuant to Government Code Section 54959.8

Agency Negotiator:	City Administrator and Glenn Berkheimer, IEDA
Employee Organization:	Albany Fire Fighters Association

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; Jeff Bond, Planning Manager; Charles Adams, Finance Director; Ana Bernardes, Associate Engineer.

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

Mayor Lieber reported that Council meet in Executive Session pursuant to Government Code Section 54959.8 and instructions to staff.

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. 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, March 5, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$187,558.82; taxes, benefits & withholdings in the amount of \$151,064.77. Total payroll in the amount of \$338,623.59. Payroll period: 03/02/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,053.55; taxes, benefits & withholdings in the amount of \$34,346.48. Total payroll in the amount of \$77,400.03. Payroll period: 03/02/07.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,422.00. Period: 03/01/07.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$901,177.98. Period: 03/09/07.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$250.00. Period: 03/09/07.
(File #300-40)

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-4.** Resolution #07-8 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract #04-11 – 2006 Sewer Project.
(File #600-30)

Staff recommendation: Adopt Resolution #07-8.

- 4-5.** Resolution #07-10 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. C06-26 for Buchanan Relief Sewer.
(File #600-30)

Staff recommendation: Adopt Resolution #07-10.

- 4-6.** Resolution #07-11 – A Resolution of the Albany City Council Approving Grant Deed for Previously Vacated Portion of Eastshore Frontage Road.
(File #670-35)

Staff recommendation: Adopt Resolution #07-11.

- 4-7.** Council Member Javandel appointing Clay Larson to the Waterfront Committee.

Staff recommendation: Information.

- 4-8.** Request by Education Subcommittee of Clean and Green Task Force for the City of Albany to endorse an educational event tentatively scheduled for June, 2007.
(File 405-45)

Recommendation: Endorse this event, which is being sponsored by the Green Chamber of Commerce.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar for discussion and Council Member Okawachi removed Item 4-8.

4-8. Clean and Green Task Force – Educational Event

Council Member Okawachi asked who the Clean Chamber of Commerce was and asked for more clarification and asked for a list of the members. Council Member Javandel responded that this is an organization that is being put together by James Carter, which is intended to draw from members Statewide who are interested in clean and sustainable practices in the business community.

Mr. Robert Outis, Albany resident, stated that this item does not belong on the Consent Calendar noting that too many items are put on the Consent Calendar. Mr.

4. CONSENT CALENDAR

Outis suggested that this item be put on a future agenda and a policy established when a governmental body could endorse a non-governmental body.

Council Member Javandel responded that the Clean & Green Task Force discussed the possibility of holding an educational event and is trying to minimize staff time. This is intended to be an educational event to encourage people to practice clean and with clean products and the event is not intended to be a political.

Council Member Javandel stated that if Council would like additional information he would provide it when the process is further along and noted that the subcommittee is trying to coordinate the educational event with the Taste of Albany.

MOTION:

Moved by Council Member Wile, seconded by Council Member Javandel to endorse the educational event sponsored by the Clean and Green Task Force to be held on June 3, 2007.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Atkinson 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 opened the Good of the City/Public Forum/Announcements and asked if anyone would like to speak.

The following people spoke: Sally Outis, Albany resident; Sol Strand, Albany resident; Brian Parker, Albany resident.

A summary of the comments is as follows: Thanked the Council, Commissions/Committees and staff for the pedestrian/bicycle trail under the freeway, which goes out to the Waterfront. Announced that Thursday, March 22nd, Food for Thought will be held at the Solano Grill and money raised will go to the Albany Education Foundation. Spoke about Pierce Street and the bicycle route, which is in the Bicycle Master Plan stating a previous Council violated the Brown Act by not voting on the Resolution. Announced that on April 14th a group called Step It Up would be holding a rally urging Congress to reduce gas emissions and invited the Council to attend. The time of the rally is 10-11:15 and informed the Council if they would like to speak at the

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

rally that could. Announced that the Albany Little League Parade would held on Saturday, March 24 starting at 9 a.m. and invited everyone to attend.

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. Status of Sewer, Storm Drainage, Capital Facilities In-Lieu and Parkland In-Lieu Fees (AB1600)

(File #390-95)

The Community Development Director presented this item reporting that after the passage of Proposition 13, many cities began charging fees on new development to fund public improvements and services, such as streets, transit facilities, sewers and storm drains. These fees are known as development impact fees and in order ensure that the fees were spent in a timely manner and on the appropriate projects, the State Legislature passed AB1600.

The City is currently charging \$1,122 per unit for a sewer connection fee on new residential units and for remodels the charge is \$175.35 per each additional plumbing fixture. Similar charges are assigned to commercial and industrial development.

These fees are being used to partially fund the City's Sewer Compliance Plan. This Plan currently projects expenditures of \$5.6 million over a period begun in FY2004-05 and extends through FY 2010-11. Projects included in this Plan are San Pablo Avenue, Curtis/Sonoma, Madison/Adams, Pomona/Key Route, North Brighton, East Albany Hill, Pierce Street and Buchanan/Polk. Future projects will include the sewer line on Solano Avenue between Masonic and Santa Fe Avenue.

The City charges \$0.10 per square foot of lot area for storm drain impact fees and a Capital Facilities Impact Fee for residential additions and non-residential development is \$0.65 per square foot and for new residential units, the fee ranges from \$375 to \$1,365 per unit depending upon unit size.

The City charges a Parkland In-Lieu Fee, which is calculated upon the estimated fair market value of the land being subdivided and the estimated fair market value of the land that would otherwise be required to be dedicated. The Community Development Director reported that no parkland fees were collected in FY 2005-06. The fund balance carried forward from FY 2002-03 was used to fund the Albany Parks, Recreation & Open Space Park Master Plan in FY 2003-04.

Mayor Lieber opened the public hearing and there being no one wishing to speak Mayor Lieber closed the public hearing.

7. UNFINISHED BUSINESS

7-1. Emissions Reduction Goal of 25% below 2004 levels by 2010

(File #405-35)

The Community Development Director reported that at the February, 2007 meeting staff gave an ICLEI Climate Protection Project update, along with the City's Baseline Greenhouse Gas Emissions Inventory Report. The Project includes five major milestones: 1. Conduct a baseline emissions inventory and forecast. 2. Adopt and emissions reduction target. 3. Develop a Climate Action Plan for reducing emissions. 4. Implement policies and measures. 5. Monitor and verify results.

The City has completed Milestone 1 and before Council tonight is Milestone 2. The Community Development Director noted there is no direct cost to setting a target, however, there will be costs associated with implementation of the Climate Action Plan to assist the City in meeting the 25% reduction of 2004 emission levels by 2020.

Ms. Brooke Lee, Local Governments for Sustainability (ICLEI), gave a presentation on ICLEI. ICLEI is a worldwide movement of local governments dedicated to achieving tangible improvements in global environmental conditions through cumulative local actions. Ms. Lee noted that it is a membership organization with 600+ members, 6 continents, 50 countries with 11 offices worldwide.

Mayor Lieber asked if anyone would like to speak and the following people spoke: Kathy Diehl, Albany resident and staff for the Environmental Protection Agency (EPA). Robert Cheasty, Albany resident; David Arkin, Albany resident; Michael Wallace, Albany resident; Sol Strand, Albany resident.

A summary of the comments is as follows: Noted that the EPA has been a partner with ICLEI since the beginning and reported that the Energy Star Program can address the residential and commercial sectors and is looking forward to working with the City on the Energy Star Program. Congratulated the City for participating in this program. Reported on the green building ordinance and points that are awarded. A question was asked that an explanation be given on the diversion rate. Noted that Albany is a bedroom community and the statistics can be misleading, as most of the residents shop and work outside of the City.

The Community Development Director responded to the question about the diversion rate noting that this refers to how much waste is diverted from the landfill by the City.

Council Member Okawachi presented Resolution #07-9 – A Resolution of the Albany City Council Establishing an Emissions Reduction Goal of 25% Below 2004 Levels by 2020.

MOTION:

After reading the title, and waiving reading of entire Resolution it was moved by Council Member Okawachi and seconded by Council Member Wile to approve Resolution #07-9.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Waterfront Planning Process
(File #490-20)

The Planning Manager presented this item and noted that currently Resolution #06-50 is the guiding statement of Council policy regarding Waterfront planning. In the absence of Council redirection, the next milestone in the planning process would be to interview consultants that responded to the RFQ. This process would be expected to result in a recommendation to the City Council on the hiring of a planning consultant.

Resolution #06-50 directs the Planning & Zoning Commission to be the lead body to sponsor the Waterfront Planning Process.

On February 1, 2007, the Waterfront Committee approved a memorandum to redirect the current approach. Since that time, the Planning & Zoning Commission and the Waterfront Planning Consultant Selection Group have submitted recommendations, as have Council Members Atkinson & Wile.

Mayor Lieber asked if anyone would like to speak on this issue. The following people spoke: David Arkin, Chair Planning & Zoning Commission; Brian Parker, Chair Waterfront Committee; Caryl O'Keefe, Albany resident; Robert Cheasty, Albany resident. Ms. Weaver, Albany resident; Clay Larson, Waterfront Committee member; Robert Outis, Albany resident; Kathy Diehl, Waterfront Committee member; Bill Dann, Waterfront Committee member; Trevor Grayling, Albany resident; Eddy So, Waterfront Committee member; Sally Douglas, Albany resident.

The comments ranged from support for the Planning & Zoning Commission, as the lead body to sponsor the Waterfront Planning Process to support for the Waterfront Committee, as the lead body to sponsor the Waterfront Planning Process.

MOTION:

Moved by Council Member Wile that the City Council direct the City Administrator to select a Project Manager. The interview group could be the Administrator's choice, plus a representative from the Waterfront Committee and the Planning & Zoning Commission.

The Project Manager would be hired on a limited basis, to prepare a Planning Work Program for the Waterfront Planning Process. This Program will include a budget, scope of work, plan for community meetings of Albany citizens, meetings with Magna Entertainment and an estimated timetable for the work, in addition to other items.

That the City Council directs the Project Manager to work with City staff, the Waterfront Committee and the Planning & Zoning Commission to draft a Planning Work Program, which would be reviewed and approved by the City Council.

There was no audible second to this motion. A clarification of this motion would be put on the next Council Agenda.

ON THE QUESTION:

Council Member Javandel suggested that the Project Manager have no set hours and that he be available to the City as needed.

Council Member Okawachi asked if the Project Manager would pick the lead body after the Work Program is completed and Council Member Wile responded that would be up to the City Council.

7-2. Waterfront Planning Process

Council Member Atkinson stated that she would prefer that the Waterfront Committee be the group that works on the first phase to draft a work program, which would include how it works with City Commissions including the Planning & Zoning Commission. Council Member Atkinson noted that she does not want too many bosses involved in this process.

Council Member Wile reiterated that her intent is to have both the Waterfront Committee and the Planning & Zoning Commission drafting the Planning Work Program in conjunction with the Project Manager.

Mayor Lieber stated that he would be more comfortable with just one Committee at this point.

Council Member Okawachi stated this is a planning process and firmly believes that the Planning & Zoning Commission should be involved at this time.

Council Member Javandel stated that the Council does not need to reinvent the wheel and as the Waterfront Planning Consultant Selection Group is in existence why not use them to develop the process.

AMENDED MOTION:

Moved by Council Member Javandel to include the Waterfront Planning Consultant Selection Group, as the body to assist in the selection of the Project Manager for the development of the scope of work.

Council Member Wile asked if this amendment included the City Administrator and was informed that the City Administrator is part of the Waterfront Planning Consultant Selection Group.

Council Member Wile stated that she is comfortable with this amendment but asked the City Administrator her impression about one versus the other in terms of efficiency and timing and getting the best consultant.

The City Administrator responded that she believes a reasonable process would be to have the Waterfront Planning Consultant Selection Group interview the finalist selected for the Project Manager as a way of trying to achieve the Council's goal of trying to move the process along but also inclusion of other representation.

Mayor Lieber repeated the motion, as follows: That the original motion stands with an amendment that the Project Manager would be selected by the City Administrator with the help of the Waterfront Planning Consultant Selection Group; and that the City Council directs the Project Manager to work with City staff, the Waterfront Committee and the Planning & Zoning Commission to draft a Planning Work Program and that Program will be approved and reviewed by the City Council before implementation.

Council Member Atkinson asked who was on the Waterfront Planning Consultant Selection Group and was informed that from the Waterfront Committee: Bill Dann and Brian Parker; from the Park & Recreation Commission – Richard Trout and Christine Mullarky; and from the Planning & Zoning Commission – Leo Panian and Peter Maass; the City Administrator and Leo Panian is currently the Chair.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

7-2. Waterfront Planning Process

No audible second to original motion. A clarification of this motion would be put on the next Council Agenda.

MOTION:

Moved by Mayor Lieber, seconded by Council Member Atkinson that the City Council would be the lead body in the Waterfront Planning Process.

ON THE QUESTION:

Council Member Javandel stated that he does not support this motion noting he believes the decision made last year was a very wise one and would support that the City Council is in control of the planning process with the Planning & Zoning Commission.

Council Member Okawachi agreed that the Planning & Zoning Commission should be the lead body.

Council Member Atkinson disagreed noting that she believes the Waterfront Committee is set up to take control of this process; however, at this point believes the Council should take control so there is no feeling of competition between the commissions and committees.

Mayor Lieber stated he firmly believes the Council is the appropriate body to do this and is a big believer in delegation noting that there will be plenty of work for all the commissions and committee.

Mayor Lieber commented that it is important for the City Council to be leaders in this central issue and that leadership needs to be shown.

Council Member Javandel predicted that if the Council takes on this responsibility there would be many late night meetings unless other City business is ignored.

VOTE ON THE MOTION:

AYES: Council Members Atkinson, Wile & Mayor Lieber

NOES: Council Members Javandel & Okawachi ABSENT: None

Motion carried and so ordered.

MOTION:

Mayor Lieber moved that the City Council place on hold the current Waterfront Planning Consultant Selection Process with the exception of selecting a planner, because the selection of the consultant should be driven by a better understanding of the work that needs to be performed. This Committee should be bought back at the appropriate time.

Council Member Javandel stated that this is redundant and would not support it. Mayor Lieber stated that after listening to Council Member Javandel he would agree, and therefore, will take the motion off the table.

8. NEW BUSINESS

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

9-1. Special Council meeting, **Monday, March 26, 6:30 p.m.** to conduct a workshop on goals and objectives.

Council Member Javandel stated that he attended the Congestion Management Authority retreat and heard input from Caltrans on funding for I-80 and noted there will

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

be improvements made to the stretch of freeway from the Carquinez Bridge to the Bay Bridge.

Mayor Lieber announced the following items: 1) That the Recreation & Community Services Director will be leaving Albany to take a position with the City of Emeryville and thanked her for her service. 2) The Social & Economic Justice Commission have approved a motion to bring to the City Council a Resolution calling for the withdrawal of Troops from Iraq.

10. ADJOURNMENT

10:30 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