

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

**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, MARCH 5, 2007**

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**7:00 p.m.**

**WORKSESSION**

City Council Goal Setting: Trends, Issues, Goals and Objectives.

Staff recommendation: Conduct a workshop session on City Council Goal Setting and schedule a regular agenda item to adopt City Council goals for 2007-08.

The City Administrator reported that every two years the City Council establishes goals and objectives to provide direction on staffing, funding and policy priorities for the City. Staff has identified trends and issues affecting the City and divided them into the following areas: Communications; Demographic changes; Economic; Environment; Public Safety; The Waterfront.

Following is a summary of the comments expressed by City Council members. Suggested that another work session be scheduled so that the goals can be reviewed and discussed in more detail.

Communications: A concern was noted that the direction not be changed midstream regarding goals that are currently being worked on. Improvement of the City's website with more information and it being user friendly and would like to see funds focused on this area. Look into creating a community newsletter/magazine and suggested that the Arts Committee be asked to help on this subject; Explore the possibility of sharing Cable Channel 33 with the City of Berkeley and to start showing videos on disaster preparedness; Look into the possibility of implementing a paperless agenda.

Demographics: Concern was expressed about the lack of affordable housing; Implement the goals of the Parks & Recreation Master Plan due the large recreational needs of the community; High School students need to have recreational programs and space; Implement a "one stop public assistance" program; Emphasis should be put on the need to complete the existing parks rehabilitation; Priority should be to get the parks completed within budget and in a timely manner; Look at having a bond/tax measure before the voters to purchase the Veteran's Building; Look at combining senior/teen programs; adopting an ordinance to provide funding for public art.

**Economic:** The City should look at all ways to make sure it has a good economic base; Keep the business community healthy and viable; Suggested that maybe a consultant should be hired to help with the economic development; Implement a program to encourage people to shop in Albany; Include San Pablo Avenue, as well as Solano Avenue; Look for alternate sources of income; Look at having parking meters in the City.

**Environment:** Continue sharing information with the business community on doing green business and provide this information to the residents; Keep on track with reducing waste to landfill, include information to apartment and multiple living areas; Send information to Gateview encouraging them to recycle; Continue working with East Bay Municipal Utility District; Keep the recycling of battery program and continue to restore and maintain the creeks; Look at policies regarding carbon emissions, pesticides.

**Public Safety:** Prioritize maintaining the Police and Fire Departments at full capacity; Look at having a neighborhood preparedness program and continue supporting the ALERT program; Look at implementing a neighborhood crime prevention program; Continue the School Resource Officer program at the schools; Encourage both the Police and Fire Chiefs to appear at block parties; Look at implementing a photo traffic control device at Jackson/Buchanan and Santa Fe/Marin.

**Waterfront:** Implement a planning process for privately owned property; Focus on improving the public parks, particularly the restrooms and water fountains; Hire a consultant to work on the planning process; Pursue funding through Proposition 84 and AA bonds; Important to get funding in place for the future.

### **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 & Mayor Lieber  
Absent: Council Member Wile (Excused)

Mayor Lieber announced that Council Member Wile is out sick.

### **STAFF PRESENT**

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager.

**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, February 20, 2007.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$166,581.33; taxes, benefits & withholdings in the amount of \$205,374.19. Total payroll in the amount of \$371,955.52. Payroll period: 02/16/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$42,363.39; taxes, benefits & withholdings in the amount of \$48,514.95. Total payroll in the amount of \$90,878.34. Payroll period: 02/16/07.

Staff recommendation: Ratify.

**4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$14,915.91. Period: 01/01/07.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$561,415.12. Period: 01/12/07.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$451,614.89. Period: 01/26/07.

d. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,422.00. Period: 02/01/07.

e. Ratification of bills, claims & demands against the City of Albany in the amount of \$856,694.54. Period: 02/14/07.

f. Ratification of bills, claims & demands against the City of Albany in the amount of \$580,632.44. Period: 02/23/07.

g. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount \$494.00. Period: 02/23/07.  
(File #300-40)

Staff recommendation: Ratify.

- 4-4. Ratification of pension payments for the month of February in the amount of \$106,569.49.

Staff recommendation: Ratify.

- 4-5. General Plan Annual Report.  
(File #420-30)

Planning & Zoning Commission recommendation: Approve.

- 4-6. Schedule a public hearing on March 19, 2007, to discuss Developer Impact Fees, AB1600.  
(File #390-95)

Staff recommendation: Approve

- 4-7. Waste Management of Alameda County Annual Rate Adjustment Request.  
(File #810-30)

Staff recommendation: Authorize the annual rate adjustment of 2.84% as requested by Waste Management of Alameda County.

Mayor Lieber asked if anyone would like to remove an item for discussion and the following items were removed: Item 4-5 & 4-7.

#### **4-5. General Plan Annual Report**

Council Member Javandel noted that Council received a communication from Preston Jordan regarding including the Bicycle Master Plan in the Report. The Planning Manager responded that he would add that item to the Annual Report.

Mr. Clay Larson asked that staff report back on the Bicycle Master Plan and Council Member Javandel explained that this is an existing Plan that needs to be included in the Annual Report.

#### **4-7. Waste Management of Alameda County – Rate Adjustment**

Ms. Sally Outis, Albany resident, asked the term of the current contract and staff responded it is a 5-year contract with a 2-year extension. Ms. Outis asked if this could be renegotiated in the future and was told yes.

Mr. Allan Maris, Albany resident, stated that the bins are being left in the street blocking parking spaces and driveways. Mr. Maris noted that he has mentioned this concern many times before but nothing changes and asked the City to make sure it is addressed before the new rates are approved.

**4. CONSENT CALENDAR**

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar, as submitted.

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

NOES: None

ABSENT: Council Member Wile

Motion carried and so ordered.

**5. GOOD OF THE CITY/PUBLIC FORUM**

Mayor Lieber asked if anyone would like to speak on an item that is not on the agenda. The following people spoke: Jason Foster, Albany resident; Leon Rimov, Albany resident; Allan Maris, Albany resident; Michael Wallace, Albany resident; Elizabeth Pun, Albany resident.

A summary of the comments follows: Spoke on the issues associated with the El Cerrito Plaza and possible closure of Albany streets; handed in articles regarding the Tower at the Community Center/Library; a Presidential Executive Order #9066 and the US Mail and the Patriot Act. Acknowledged the new welcome to Albany art that is placed on the median and announced a meeting of the Water Transit Authority on March 15, 6:30-8:30, Edith Stone Room, Albany Library regarding a scoping session. Spoke in favor of Albany having a ferry terminal at the Waterfront. Asked that the Council goals be linked together with the existing priorities in a matrix form. Thanked the Albany Police Department for a prompt response and reminded everyone to memorize their non-emergency telephone number.

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

**6. PRESENTATION/PUBLIC HEARING**

**7. UNFINISHED BUSINESS**

**7-1. Medical Marijuana Dispensaries – Second Reading of Ordinance #07-01 (File #450-20)**

The Planning Manager submitted for Council approval Ordinance #07-01-Medical Marijuana Dispensaries for Second Reading – Pass-to-Print. The Planning Manager noted that the changes from the last meeting have been incorporated into the Second Reading.

The following people spoke on this item: Mr. Don Ford, Albany resident; Ms. Caryl O’Keefe, Albany resident; Mr. Jon Ely, Albany resident; Rick (did not hear last name), Albany resident; Becky Dekeuster, Berkeley Patient Group.

A summary of the comments follows: Spoke about the 16 other marijuana stores in Berkeley and Oakland with the closest being 5 minutes away and noting that this type of business does not fit in this small community; Questioned the change on page 2, #6 of

### **7-1. Medical Marijuana Dispensaries – Second Reading of Ordinance #07-01**

the Ordinance; Noted that a notice should have been sent to the neighbors in the affected area; however, believe it is not being considered a zoning change; Asked if an application had been made that caused this Ordinance to come before the City; Expressed concern, as a parent and having this type of business close to the schools and parks; Informed the Council that 1% of the Berkeley Patient Group comes from Albany and asked the Council to think about the revenue this will bring into the City.

Mayor Lieber responded to the question about a zoning change and noted that this does not require a zoning change and is a small area on San Pablo and Solano Avenue.

The Planning Manager stated that after reviewing the tape from the last meeting it was determined that there was no Council consensus on Item 4.E.6, page 10, and therefore, would recommend this be deleted.

The Planning Manager noted that the State ID cards have not been increased as much as originally believed and the cost would be \$66 and that a photo ID be included on page 19, line 23.

Council Member Javandel stated that this does not include the Pierce Street Park and he believes that should be identified on the map. Council Member Atkinson stated that she would prefer this be addressed when that site actually becomes a park.

Council Member Okawachi expressed concern about home childcare and the fact that the City cannot identify where these businesses are located.

The City Attorney spoke about the privacy rights of the patients and noted that this is covered in the Ordinance on page 16, line 4 and page 19, line 35 & 36.

Council Member Javandel introduced Ordinance #07-01 – An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning of the Albany Municipal Code to Include Regulations for Medical Marijuana Dispensaries.

#### **MOTION:**

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Javandel and seconded by Council Member Okawachi to approve for Second Reading – Pass-to-Print with the revisions noted: Add photo ID on page 3 & 19, delete #6 on page 10 and renumber #7 & 8.

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

NOES: None

ABSENT: Council Member Wile

Motion carried and so ordered.

### **7-2. Environmental Review of Proposed Street Closure**

(File #600-30)

The Community Development Director reported that in 2006 the City Council initiated a General Plan amendment to the Circulation Element and prepare an environmental review regarding closure of three streets leading to the El Cerrito Plaza (Cornell, Talbot and Evelyn). The Council also directed that the environmental document consider traffic calming measures in lieu of street closure, as well as the partial closure at the north end of the 500 block of Kains (south of Brighton Street) to mitigate potential increases in traffic on that block. This decision also confirmed the Council's direction that the 400 block of Kains Avenue remain open.

## 7-2. Environmental Review of Proposed Street Closure

The Community Development Director stated that the consultants will conduct a peer review of the Kimley-Horn study, develop an alternative traffic calming plan for streets leading from the El Cerrito Plaza (between the Plaza and Garfield Avenue), compare street closure and traffic calming options, and evaluate two areas not addressed in the Kimley-Horn study, i.e. partial closure of the 500 block of Kains, cul-de-sac at the end of Evelyn.

When the draft environmental review document is completed, it will be circulated for public review and public meetings will be held with the Traffic & Safety Commission and the Planning & Zoning Commission. Planning & Zoning Commission review is necessary because the project would require a General Plan amendment.

The City Attorney asked if anyone from the Regency Group was present and no one came forward. The City Attorney cautioned the Council noting that the City will probably end up in litigation, therefore, the costs will be much more than the \$50,000 contract fee.

Mayor Lieber stated that the City must be very careful to do this right and get the proper legal advice, however, noted that this is a quality of life issue for Albany residents.

Council Member Okawachi expressed concern that the City would be spending a lot of money and would like to know what type of traffic calming measures would be proposed.

Council Member Atkinson stated that she would like to have more time to review this and noted that this could be the time to look at the entire project to see whether it is a priority of the Council. Council Member Atkinson expressed concern about spending the large amount of money and would rather use that money for traffic calming measures. Council Member Atkinson also expressed concern about emergency vehicle access once the streets are closed.

Council Member Javandel suggested that the Council approve the contract and then have staff come back at the halfway point for approval before continuing with the environmental review.

Mayor Lieber believes this should move forward expeditiously, however, would agree to put it off if that is how the majority of the Council votes.

Mr. Michael Wallace stated that he did not understand what the traffic calming measures were and Council Member Javandel explained them noting it would control the volume and speed of the traffic on residential streets.

### **MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to authorize the City Administrator to execute a professional services contract with Design, Communities and Environment (DC&E); provided that prior to the execution of the contract that staff negotiate with DC&E to phase the contract and allow the City to decide following the traffic portion whether it continues with a full environmental review.

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

NOES: None

ABSENT: Council Member Wile

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Format of Agenda – Moving Announcements to the Beginning**  
(File #610-20)

Council Member Atkinson requested that the format of the Agenda be changed and move the announcements to the Good of the City/Public Forum so that the public can announce and hear all announcements at the beginning of the meeting.

Council Member Atkinson stated that she would also like the announcements to be at the end of the Agenda with other business.

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Javandel to change the format of the Agenda to move announcements to the Good of the City/Public Forum but to also leave it at the end of the Agenda.

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

NOES: None

ABSENT: Council Member Wile

Motion carried and so ordered.

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

**9-1.** The regular meeting of the City Council scheduled for April 2<sup>nd</sup> has been cancelled due to Passover. Therefore the meeting schedule for April will be **Monday, April 9 and Monday, April 23, 2007.**

Council Member Atkinson announced the following meetings: Planning & Zoning Commission, March 6<sup>th</sup> & the Social & Economic Justice Commission, March 14<sup>th</sup>.

Council Member Javandel announced that the Education subcommittee of the Clean & Green Task Force is working on an educational event and looking at combining this with the Taste of Albany. Council Member Javandel stated that maybe a future agenda item should be put on future agenda regarding possible events.

Mayor Lieber urged people to continue to donate canned foods in the food bins that are in different areas of the City.

Mayor Lieber announced that he and the Vice-Mayor attended a 2z2 meeting with the City of Berkeley and discussed mutual issues, such as: creeks, the Bay Trail, Pacific Steel Casting and the possibility of sharing Channel 33.

**10. ADJOURNMENT**

9:20 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

**10. ADJOURNMENT**

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

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ROBERT S. LIEBER  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK