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

7:30 p.m.

EXECUTIVE SESSION

Call to Order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Executive Session to discuss the following:

Government Code Section 54957.6, Labor Negotiations

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; Melinda Chinn, Recreation & Community Services Director; Judy Lieberman, Assistant City Administrator.

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

Mayor Lieber reported 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. 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, January 22, 2007.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$176,069.09; taxes, benefits & withholdings in the amount of \$222,616.52. Total payroll in the amount of \$398,685.61. Payroll period:01/19/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$41,439.78; taxes, benefits & withholdings in the amount of \$50,129.02. Total payroll in the amount of \$91,568.80. Payroll period: 01/19/07.

Staff recommendation: Ratify.

4-3. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of December 31, 2006, as required by Section 53646 of the California Government Code.
(File #300-10)

Staff recommendation: Information only.

4-4. Ratification of Pension Payments for the month of January in the amount of \$108,273.27.

Staff recommendation: Ratify.

4-5. Council Member Atkinson appointing Janet Fohner, Library Board; Joseph Como to the Parks & Recreation Commission.

Staff recommendation: Information only.

4. CONSENT CALENDAR

- 4-6.** Council Member Wile appointing Frank Carothers to the Library Board; Judy Abel, Civil Service Board.

Staff recommendation: Information only.

- 4-7.** Contract with DCM Engineering for soils borings related to Curtis-Neilson-Santa Fe Drain project.
(File 600-30)

Staff recommendation: Authorize the City Administrator to enter into a contract with DCM Engineering to obtain soil borings in Neilson Street, relative to the Curtis-Neilson-Santa Fe storm drain improvements. Based on the Scope of Work, the contract amount is \$20,000.

- 4-8.** Resolution #07-6 – A Resolution of the Albany City Council Approving the Application for a Bay-Friendly Landscaping Grant in the Amount of \$50,000 from StopWaste.org for the Parks Renovation Project.
(File #345-30)

Staff recommendation: Adopt Resolution #07-6.

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

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.

Mayor Lieber opened the Good of the City/Public Forum and the following people spoke: Mr. Chris Kroll, Berkeley resident; Mr. Leon Rimov, Albany resident.

A summary of comments is as follows: Invited the Council to attend a public meeting on February 7, at 7 p.m. at the West Berkeley Senior Center to discuss the air quality issues surrounding Pacific Steel. Expressed concern that the Community Center is not being maintained property, which is having an affect on the building needing repairs. Also spoke about the Queen Mary 2 coming to San Francisco and causing environmental problems in the bay and expressed concern about the safety of the passengers when the ship arrives in the Middle East noting that there are already aircraft carriers in the area and warned of a possible attack on Iran.

Council Member Atkinson noted that she was pleased to see that no cars were parked on her street when the street sweeper came through.

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

6. PRESENTATION/PUBLIC HEARING

6-1. Presentation on the Energy Star Program

(File #405-35)

Ms. Kathy Diehl, Environmental Engineer, Environmental Protection Agency, gave a power point presentation on the Energy Star Program, partnerships, training and energy efficient projects.

Ms. Diehl invited the City to join the Energy Star Program noting that currently the City of Pleasanton is a member.

Mayor Lieber asked if this program gets re-evaluated on a regular basis and Ms. Diehl responded that the Department of Energy is continuously improving the program.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

**8-1. City of Albany Baseline Greenhouse Gas Emissions Inventory Report
ICLEI Climate Protection Project Update**

(File #405-35)

The Community Development Director submitted the City's Baseline Greenhouse Gas Emissions Inventory Report and the ICLEI Climate Protection Project update. The Community Development Director noted the five major milestones: Milestone 1: Conduct a baseline emissions inventory and forecast. Milestone 2: Adopt an emissions reduction target. Milestone 3: Develop a Climate Action Plan for reducing emissions. Milestone 4: Implement policies and measures. Milestone 5: Monitor and verify results.

The Community Development Director reported that several existing environmental programs and upcoming programs would be implemented within 2007, which make strides to assist in greenhouse gas reductions. Continuation and enhancement to these existing programs will be included within the City's climate action plan for reducing emissions. These programs include: Commercial/Residential Recycling and Composting Collection Programs through franchise with Waste Management of Alameda County (ongoing); Commercial Recycling and Composting Technical Assistance/Outreach (ongoing); Multifamily Recycling and Composting Technical Assistance/Outreach (implemented Spring 2007); Green Building Ordinance (implemented Spring 2007); Construction and Demolition Debris Ordinance (implemented Spring 2007); Environmental Preferable Purchasing Policy (to be introduced in 2007).

Council Member Okawachi thanked staff for the inventory report noting that it is both comprehensive and interesting.

**8-1. City of Albany Baseline Greenhouse Gas Emissions Inventory Report
ICLEI Climate Protection Project Update**

Council Member Wile stated that the action plan should include the Energy Star program.

Mayor Lieber thanked staff and asked staff to get the ICLEI report on the web site so that people can familiarize themselves with the program before it comes back to Council in March.

It was the consensus of the Council to put this item back on the March 19th agenda with a presentation by ICLEI.

8-2. Sculpture Project at Ocean View Park
(File #600-30)

The 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 Park.

The City Council asked the Arts Committee to commission a sculpture that would mark the entry to the park, as well as serve as a landmark entry to the City. The sculpture pedestal is to be a sign wall indicating the name of the park that would be designed and installed as part of the park renovation.

Ms. Nan Wishner, Arts Committee and Chair of the Public Arts Subcommittee, presented a model of the sculpture that would be installed at Ocean View Park. Ms. Wishner explained that many public meetings were held on this subject and the three finalists had their work on display at the Community Center and people were asked to comment on the work. A hundred comments were received and the Arts Committee recommended that the sculpture named "Rose Wave" by Colin Lambert be the art that is purchased for Ocean View Park.

Ms. Wishner noted that the "Rose Wave" is the artist's rendition of an ocean wave and a rose, as the City is near the water and the location used to have a rose garden.

The Recreation & Community Services Director asked that Council authorize additional insurance coverage for \$500 to cover the art.

The following people spoke: Mr. Jon Ely, Albany resident; Unidentified man.

A summary of the comments is as follows: Expressed concern about using Measure F money for art noting this was not in the language of the measure that people voted for. Asked about local artists displaying their art in Albany parks.

The City Administrator responded to the Measure F money noting that the City Council decided to incorporate art in the park renovations. Mayor Lieber commented that a Resolution was approved that 2% of the budget would be used for public art in the parks.

Ms. Nan Wishner responded to the local artist question noting that this was opened up to artists outside of northern California due to the expertise needed for this project.

8-2. Sculpture Project at Ocean View Park

Council Member Javandel responded to the Measure F money question noting that he believes art is part of the park just as restrooms are included in the renovation and is comfortable with the Council's decision.

Mayor Lieber commended Ms. Wishner and the Arts Committee for their hard work and noted they had a very open public process and is very pleased to see art in Albany parks.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to authorize the City Administrator to enter into a contract with Colin Lambert in an amount not to exceed \$17,449 for the design, fabrication and installation of the "Rose Wave" sculpture project for Ocean View Park.

AMENDMENT:

Mayor Lieber suggested an amendment that staff uses their best judgment regarding the type of insurance to be used for public art.

Maker and second agreed to the amendment

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-3. City Tree Removal Policy and Procedures

(File #820-25)

The Recreation & Community Services Director reported that in 2003 the City Council adopted the current City Tree Removal Policy and Procedures. At that time there had been a separate City Tree Removal Policy and a Park Tree Removal Policy. The policies were combined into one and revisions were made that clarified procedures and provided evaluation criteria to be used in responding to requests from property owners or the Community Development Department for removal of trees on the public right-of-way or in City parks.

The Park & Recreation Commission reviews the policy on an annual basis. The Commission discussed the policy at its September and October, 2006 meetings and recommended several revisions, which are the first revisions proposed since the current policy was adopted in 2003.

Ms. Nan Wishner, Albany resident, stated that she sat through many public meetings on the tree removal policy and believes that staff and the Commission have done a good job in being sensitive to the community and its needs.

Mayor Lieber asked how the Commission voted on this matter and the Recreation & Community Services Director responded that she didn't have the actual vote in front of her but does not believe anyone voted no.

Council Member Okawachi stated that she was on the Park & Recreation Commission and has sat through many meetings and discussions on the tree removal policy.

8-3. City Tree Removal Policy and Procedures

Council Member Javandel presented Resolution #07-5 – A Resolution of the Albany City Council Approving the Revised City Tree Removal Policy and Procedures.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Wile to approve Resolution #07-5.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-4. Temporary Relocation Site for Civic Center Complex

(File #200-30)

The Assistant City Administrator reported that the City is currently seeking one or more locations as temporary sites for the relocation of the City's Police & Fire Stations and three City Hall departments during the seismic retrofit and renovation of the Civic Center complex.

It is important to the community that public safety operations remain intact, particularly that fire, ambulance and police response times are impacted as little as possible. Although administrative departments can be located in available office space throughout the City, options are limited for police and fire operations.

The Assistant City Administrator noted that negotiations are currently underway with privately owned sites located in Albany; the only locations that are within the City's existing control are City parks. Staff has begun a preliminary investigation of the option of relocating fire, police or potentially all services at the fields on either Memorial Park or Ocean View Park. The estimated length of time for the project is 18 months to 2 years.

The following people spoke on this issue: Geoff Pillar, Albany resident; Ann Gaby, speaking on behalf of Rex Higginbotham, Albany Little League; Doug Fielding, Coalition of Youth Sports; Betsy Thomas, Girls Softball League; Berkeley Soccer Coach; Dave Price, Albany Little League; Ms. Caryl O'Keefe, Albany resident; Mr. Roger Carlson, Albany resident and field advocate; Jon Ely, Albany resident; Bob Outis, Albany resident; Sol Strand, Albany resident; Francesco Papalia, Albany resident.

A summary of the comments is as follows: Expressed concern that the Parks & Recreation Commission had not discussed this issue and urged staff to look into other options; and that if Council did move ahead with this idea that it be referred back to the Parks & Recreation Commission for extensive public hearings. A letter was read on behalf of Rex Higginbotham urging the Council not to act on this recommendation and recommended Golden Gate Fields, as an alternate site. Spoke about the number of youth that use the fields and urged the Council to explore other options. Suggested that the Veteran's Building be used. Expressed concern that toxic waste may be left in the soil by the Fire Department and believes that decisions are being made without discussions with the community. Noted that if the City does not go out to bid soon the renovation of the field will be held up and urged the Council not to vote for the staff recommendation.

8-4. Temporary Relocation Site for Civic Center Complex

Asked if the City had considered the area on Buchanan, west of San Pablo. Urged the City to get the bids out for the renovation as soon as possible and that the recommendation before Council is a bad idea. Suggested that the project be done in phases or to look at other options, such as space at the Community Center and closing off some of Marin Avenue. Also stated that U.C. Berkeley is an economic partner in this City noting that UC Village receives all City services including police & fire and that the U.C. should not charge the City for the land in the Village. Asked why staff had not thought of the relocation issues a long time ago and not wait until the project is ready to go out to bid. Supported the idea of using Golden Gate Fields noting that would be the least disruption for anyone. Noted the City Council needs to mend their relationship with Golden Gate Fields and that they may not want to help out the City at this time.

Council Member Okawachi agreed that this item should have gone before the Parks & Recreation Commission before coming to Council and that she was against using Ocean View Park and/or Memorial Park.

Council Member Javandel agreed with all the speakers and noted that the time lost with the ball fields is irreplaceable. Council Member Javandel suggested the City keep looking at other locations including the High School basketball courts and the Key Route Median.

Council Member Wile agreed stating the City should also look at using the tennis court space at Memorial Park. The Assistant City Administrator responded that she is already looking at preliminary plans and believes the Fire Station would fit on one court; however, the City needs to discuss this with the School District.

Mayor Lieber thanked staff for bringing this item forward so that the Council has all the options on the table and noted that it would be very difficult to close the sport fields. Mayor Lieber stated the City should move forward with the bidding process for the field renovation, as soon as possible.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi that the City not move forward on using the sports fields for a temporary relocation for the Civic Center and to resume the bidding process for the field renovation, as soon as possible.

ON THE QUESTION:

The Assistant City Administrator asked for Council authorization to go to the Parks & Recreation Commission with the possible use of the basketball and tennis courts for the temporary relocation.

Maker and second agreed to add this to the motion.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

The City Administrator thanked the Assistant City Administrator for all the hard work she has put into this matter.

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

- 9-1.** City Offices will be closed on **Monday, February 19, 2007**, in observance of Presidents' Day. Therefore, the regular scheduled Council meeting will be held on **Tuesday, February 20, 2007**.

- 9-2.** The City is partnering with the Alameda County Community Food Bank to sponsor a Food Drive at the Albany City Hall and Albany Community Center Library through February 12th. Please bring your canned goods and other non-perishable food to the barrels at those locations. For more information: www.accfb.org.

Council Member Okawachi requested the Council have a moment of silence for three Albany residents: Mary Neylon, Hazel Howell and Emily Shay.

Mayor Lieber honored the request and a moment of silence was observed.

Council Member Atkinson announced that there would be a Chinese New Years parade down Solano Avenue.

It was announced that the library would be holding its annual book sale on Saturday, February 10, 9-4 and Sunday, February 11, 1-4.

Ms. Caryl O'Keefe stated that there would be a memorial celebration over the weekend in honor of Bill Hartung who helped the Friends of the Albany Library many times. Ms. O'Keefe noted that there would be a bookcase in the shape of a truck, as Mr. Hartung used his truck to move the books around.

Mayor Lieber announced that he attended the Recycling Board meeting noting that Albany does very well in its recycling efforts but not performing well in the food waste scraps and not diverting the minimum amount. Mayor Lieber stated that the City should educate its citizens on using the green bins.

Mayor Lieber reminded everyone about the Food Drive at City Hall and the Community Center/Library.

10. ADJOURNMENT

9:55 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.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK