

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, JANUARY 22, 2007**

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**7:00 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

Government Code Section 54956.8, Real Estate Negotiations for potential sites for temporary relocation of Police & Fire Services and City Hall during renovation project.

Property:	405 Kains Avenue; 505/507 Adams Street; Golden Gate Fields adjacent to corporation yard; and University of California Excess Property at Abandoned College of Natural Resources site adjacent to University Village.
Negotiating Parties:	Rachel Kuan & Gary Tang, Hannah Investment, on behalf of the property owner, Cerrito Creek Properties, LLC. Albany Bowl Properties; Magna Entertainment; UC Berkeley. On behalf of the City: City Administrator and City Attorney.
Under Negotiation:	Price and Terms of Payment.

**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; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager.

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

Mayor Lieber reported that the Executive Session for labor negotiations was cancelled, as the City's negotiator is ill. No action taken on the property negotiations.

**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, December 18, 2006 & January 8, 2007.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$183,185.6; taxes, benefits & withholdings in the amount of \$146,069.74. Total payroll in the amount of \$329,255.50. Payroll period: 01/05/07.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,576.30; taxes, benefits & withholdings in the amount of \$35,385.58. Total payroll in the amount of \$79,961.88. Payroll period: 01/05/07.

Staff recommendation: Ratify.

**4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$254,270.89. Period: 12/01/06.  
(File #300-40)

**4. CONSENT CALENDAR**

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$790,267.97. Period: 12/15/06.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$404,791.44. Period: 12/29/06.

d. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$172.06. Period: 12/29/06.

Staff recommendation: Approve.

**4-4.** Council Member Wile appointing Kim Linden, Parks & Recreation Commission; Michael-Che Swisher, Arts Committee.

Staff recommendation: Information only.

**4-5.** Council Member Atkinson appointing Kaz Mori to the Civil Service Board.

Staff recommendation: Information only.

**4-6.** Review of Association of Bay Area Government's Regional Housing Needs Allocation Methodology.  
(File #420-30)

Planning & Zoning Commission recommendation: The Planning & Zoning Commission recommends that the City Council not submit comments to the Association of Bay Area Government on the proposed Regional Housing Need Allocation Methodology. The proposed methodology appears to result in allocations similar to previous methodologies, and thus there is limited basis for the City to comment.

**4-7.** Policy to Destroy Audio Tapes of Council Meetings.  
(File #100-30)

Staff recommendation: Approve a policy that the audiotapes of the Council meetings can be destroyed after the minutes have been approved by the City Council, with some exceptions.

**4-8.** Resolution #07-3 – A Resolution of the Albany City Council to Execute the Updated Administering Agency-State Master Agreement No. 04-5178R, Which Includes the General Requirements for the Implementation and Maintenance of all Federal-Aid Projects.  
(File #600-50)

**4. CONSENT CALENDAR**

**4-8.** Staff recommendation: Adopt Resolution #07-3.

**4-9.** Consideration of Claim #AL541; Mercury Insurance Company v. City.  
(File #170-60)

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection notice.

**4-10.** Charter Review Committee At-Large Appointments.

Staff recommendation: Close the application process effective February 5, 2007 and place on the February 20, 2007 agenda the appointment of two (2) at-large members to the Charter Review Committee.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar. The following items were removed for discussion: 4-7 & 4-8.

**4-7. Policy to Destroy Audio Tapes of Council Meetings**

Council Member Okawachi asked if there had been any glitches in the video recordings that would affect keeping them as the medium for future viewing. The City Clerk responded that she had not heard of any problems with the recordings.

The following people spoke on this subject: Mr. Bob Outis, Albany resident; Mr. Clay Larson, Albany resident.

A summary of the comments is as follows: Asked if the video recording could be used as an official record of the Council meeting. A concern was raised about the length of time staff is recommending to keep the audiotapes noting that the Brown Act states the City must keep recordings for 30 days.

The City Clerk responded that the official record of the Council meeting are the minutes once approved by the City Council and that she would check with the City Attorney regarding the Brown Act question.

**4-8. Resolution #07-3 – Master Agreement with the State of California**

Mayor Lieber asked for an explanation regarding this item. The Community Development Director responded that this is a master agreement with Caltrans noting it is a uniform agreement that is used by all cities and the State of California.

**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.

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

The following people spoke: Mr. Doug Donaldson, Albany resident; Ray Anderson, Albany resident; Ms. Maureen Crowley, Albany resident; Mr. Norman LaForce, El Cerrito resident; Ms. Lubov Mazur, Albany resident; Mr. Francesco Papalia, Albany resident; Mr. Brian Parker, Albany resident.

A summary of the comments is as follows: Comments from a former Planning Commissioner regarding concern about the size of big houses on Albany lots; cell phone ordinance noting the current law on the books is not working, as it seems too restrictive; spoke about the relationship between the City and the School District in terms of land use issues; suggested a name change for the City to Ocean View. An announcement was made regarding the Lions Club annual Crab Feed on Friday, January 26 stating this is a fundraiser and the money raised will go back into the community. A comment was made that the cell phone ordinance needs to be made more restrictive; expressed concern about the closing of certain streets by the El Cerrito Plaza noting it will not work; asked that the City work on making the trail by the BART tracks safer for people to use. Concern was expressed about the City's current campaign ordinance stating that it does not regulate expenditures and noted that during the last election Magna spent \$27,000. Urged the Council to look at the ordinance and make changes. Comments were received about the Sierra Club and how much money they spent on the last election. Asked for more details on the possible street closure by the El Cerrito Plaza and stated that the City needs to do a better job of letting the public know what is actually being proposed.

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

## **6. PRESENTATION/PUBLIC HEARING**

### **6-1. Proclamation for National Blood Donor Month**

Ms. Mary Delia, Albany YMCA, spoke to the Council regarding the need for blood donors and a representative from the American Red Cross noted that there is a blood center in Oakland in which people can go to donate their blood.

Mayor Lieber read the Proclamation from the City noting that the City has proclaimed January as National Blood Donor Month.

## **7. UNFINISHED BUSINESS**

### **7-1. Resolution #07-4 – Establishing a Clean and Green Business Task Force**

(File #405-45)

In 2006, the City Council discussed establishing a Clean and Green Task Force for the purpose of recommending an action plan to the City Council to attract more "green" and environmentally friendly businesses, firms that specialize in clean energy

**7-1. Resolution #07-4 – Establishing a Clean and Green Business Task Force**

research, and possibly green manufacturing. The term of the Task Force is approximately six months.

Council requested staff to come back with a Resolution outlining the composition of the Task Force. The proposed composition of the Task Force is up to nine members with expertise in the subject matter, up to two representatives of the business community, up to two at-large members, two non-voting City Council members, and one non-voting representative each from Alameda County Supervisor Keith Carson's office and U.S. Congresswoman Barbara Lee, for a total of 17 members.

Staff advises that for purposes of accomplishing the task, the Council consider keeping the size of the Task Force to no greater than 15 members, if possible without compromising the expertise and representational aspects of the group.

The Task Force is scheduled to start meeting in February and present an action plan to the City Council by September, 2007. The Task Force will operate in accordance with the Brown Act open meeting laws, with its agendas posted and its meetings open to the public.

Council Member Wile noted that the Council has received three letters of interest, 1 from the business community and 2 from the community at-large.

The following people on this subject: Ms. Joan Larson, Albany resident; Mr. Francesco Papalia, Albany resident; Ms. Lubov Mazur, Albany resident; Ms. Thelma Rubin, Albany resident; Mr. Sol Strand, Albany resident; Mr. Robert Cheasty, Albany resident; Mr. Brian Parker, Albany resident.

A summary of the comments is as follows: Noted that the City should be a role model regarding green businesses and asked that a policy be adopted to use permeable concrete and asphalt and to ban Styrofoam. Asked that the Task Force be open minded, as the City needs all types of business. Asked that plastic bags not be used and be limited to paper and biodegradable products. Commented that there should not be rush to have the Task Force start work until all the questions have been clarified and objected to a non-Albany resident being the Chair of the Task Force. Complained about an industrial park with green business right outside of residence and did not want it in his neighborhood. Also noted that the City needs a broader tax base and the Council's priority should be economic development. Excited about this Task Force noting that the Albany Chamber of Commerce and the Solano Avenue Association have done great work regarding green businesses in Albany. Thanked Council Member Wile for bringing this item forward and disagreed with the comment about a non-Albany resident being Chair.

Council Member Javandel thanked everyone for participating in this long process and noted that a lot of public input would be needed.

Council Member Atkinson noted that the Task Force has a focus and adding too many other things for them to deal with would not work.

Council Member Wile stated that the Task Force would be working closely with the Chamber of Commerce and the Solano Avenue Association to attract clean energy entrepreneurs to Albany. Council Member Wile thanked Ray Anderson, Peggy Thomsen and Dana Milner for bringing three new members to the Task Force.

**7-1. Resolution #07-4 – Establishing a Clean and Green Business Task Force**

Council Member Wile stated that the person selected to be Chair has the expertise and the business community knowledge and believes is the best person to lead the Task Force.

Council Member Okawachi stated that one of the new members has an incredible background with environmental education and will be an asset to the Task Force.

Mayor Lieber noted that he attended a Conference sponsored by ICLEI, which discussed a project done in England that tackled the same things that Albany is trying to accomplish to decrease the carbon dioxide in the environment.

Council Member Atkinson presented Resolution #07-4 – A Resolution of the Albany City Council Establishing a Clean and Green Business Task Force to Prepare an Action Plan to Attract Environmentally-Friendly Businesses to Albany and Appoint Members to the Task Force.

**MOTION:**

After the title and waiving reading of entire Resolution, it was moved by Council Member Atkinson and seconded by Council Member Javandel to adopt Resolution #07-4. AYES: Council Members Atkinson, Javandel, Okawachi, Wile & Mayor Lieber

NOES: None

ABSENT: None

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Resolution #07-2 – Opposing Ferry Service at Buchanan or Gilman Streets**

(File #1060-25)

Mayor Lieber stated that Mayor Maris lobbied for ferry service in Albany but did not bring anything to Council. Mayor Lieber noted that a study to study the two locations, Buchanan Street and Gilman Street would cost \$500,000 for a site in Albany that is not wanted and would be bad for the environment. The City of Berkeley wants the ferry service in Berkeley, therefore, would recommend that the City Council go on record as opposing the Buchanan and Gilman sites.

Mr. Steve Castleberry, Water Transit Authority, spoke to the Council noting that a screening was done of both sites and there are some environmental issues with Buchanan and Gilman. Mr. Castleberry stated that the Authority welcomes all comments regarding this project.

Council Member Okawachi noted that she attended an Authority meeting last year where several people spoke in favor of the two Albany sites. Council Member Okawachi stated that she did come before Council and spoke about this.

Council Member Javandel asked if a long pier was to be considered and Mr. Castleberry responded that it had been considered but still has impacts – pier driving, shallow, wake and maintenance of a people mover.

**8-1. Resolution #07-2 – Opposing Ferry Service at Buchanan or Gilman Streets**

Council Member Atkinson referred to a poll that was taken from Albany/Berkeley residents, which showed they favored the University site.

Council Member Okawachi stated that the purpose of a ferry service is to get the cars off the street and noted that Peter Tunney, Golden Gate Fields, has indicated that the Track would be willing to discuss a site at that facility.

The following people spoke on this subject: Ms. Thelma Rubin, Albany resident; Mr. Robert Cheasty, Albany resident; Ms. Kathy Diehl, Albany resident; Mr. Billy Blattner, Albany resident; Ms. Maureen Crowley, Albany resident; Mr. Bill Dann, Albany resident; Mr. Eddy So, Albany resident; Mr. Brian Parker, Albany resident; Ms. Caryle O’Keefe, Albany resident; Mr. Lyn Conly, Berkeley resident; Mr. Preston Jordan, Albany resident; Mr. Sol Strand, Albany resident; Mr. Francisco Papalia, Albany resident; Mr. Nick Pilch, Albany resident; Mr. Bob Outis, Albany resident; Ms. Jerri Holan, Albany resident; Ms. Lubov Mazur, Albany resident; Mr. Clay Larson, Albany resident; Mr. Tim Perry; Mr. Allan Maris, Albany resident; Mr. Norman LaForce, Albany resident; Ms. Peggy McQuaid, Albany resident; Ms. Sally Outis, Albany resident.

A summary of the comments is as follows: Asked what happened to the ferry service after the Loma Prieta earthquake. Noted that the majority of the Waterfront Committee members opposed ferry service at Buchanan/Gilman; spoke about the eel grass, dredging and the migratory stop for birds. Supported the Berkeley location and noted that dredging brings up all the pollutants. Expressed skepticism initially but changed mind so that people could be moved out of their cars and noted that moving the location to Berkeley, a 15 minute drive on the freeway, makes a huge difference to environment with the exhaust of the cars. Believes the study to be a waste of money and spoke about the dredging of the Bay. Stated that Citizens for Albany Shoreline (CAS) support the Resolution before the Council. Concerned with the dredging especially when Berkeley has a better site. Objected to a parking structure at Golden Gate Fields for ferry parking noting that Albany residents want a park at that location. Noted that professionals should address the questions and concerns raised tonight and that spending the money for a study is worthwhile. Spoke about global warming and that everyone should be concerned with the “big picture”. Disagreed that the Waterfront Committee took action on this noting that a motion was made but no second was given; supported going forward with a study. Supported a ferry service in Albany where Albany residents could walk to it and supported a study. Supported the comments made for a study to be made of all the sites and noted that the Albany site has the best pedestrian/bicycle site. Expressed concern that the City Council would be against a study. Agreed with other speakers that a study is needed to explore all the sites and to inform people of the pros and cons of each site. Stated the Resolution is a suppression of knowledge and another move to stop Golden Gate Fields and to get the land for a park. Noted that he appreciated the clarification of the Waterfront Committee vote and spoke about the survey taken. Provided the Council with the Sierra Club’s Environmental Justice Principles and objected to the Resolution noting the people deserve to have a study. Noted that as Mayor he did report back to the Council regarding the Water Transit Authority meetings; spoke about transparency government and the need for a study. Noted that a study has already

**8-1. Resolution #07-2 – Opposing Ferry Service at Buchanan or Gilman Streets**

been done on the Buchanan/Gilman sites and it is a bad area for a ferry service; the Resolution would send a clear message to the Water Transit Authority of what Albany residents want to happen. Responsibility of the Council is to have a study so that the people have all the information needed to make a correct decision. Noted that a little information is a dangerous thing and that a study should be done so that the people have all the information.

Council Member Okawachi stated that she would like to have more information on all the sites.

Council asked questions of Mr. Castleberry regarding the study and the proposed sites.

Mayor Lieber spoke about the Albany Waterfront noting that he is looking forward to more open space and that is why he supports the Resolution opposing the ferry service at Buchanan/Gilman. Mayor Lieber noted that the City of Berkeley really wants the ferry service that would service Albany residents and urged the Council to adopt Resolution #07-2.

Mayor Lieber presented Resolution #07-2 – A Resolution of the Albany City Council to Oppose Water Transit Authority Study of a Ferry Terminal Site at Buchanan or Gilman Streets.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Mayor Lieber and seconded by Council Member Atkinson to adopt Resolution #07-2.

**ON THE QUESTION:**

Council Member Javandel stated that he is in favor of more studies and believes that this should go through the Waterfront Committee for their review. Council Member Javandel noted that too many issues are coming to Council with unresolved questions and would prefer to have this item with a recommendation from the Waterfront Committee and a staff report.

Council Member Javandel expressed concern with the process and stated he was impressed with the Sierra Club's Environmental Justice Principles, and therefore, would be voting against the motion.

Council Member Okawachi stated that she is not convinced that sending it back to the Waterfront Committee would make any difference. Council Member Okawachi noted that many residents want more information and agrees that the Water Transit Authority should prepare a study.

Council Member Wile commented that she would rather not delay the vote.

**VOTE ON THE MOTION:**

AYES: Council Members Atkinson, Wile & Mayor Lieber

NOES: Council Members Javandel & Okawachi    ABSENT: None

Motion carried and so ordered.

**8-2. Waterfront Committee Appointments**

(File #100-30)

The City Clerk noted that the City Council closed the application period for the two at-large appointments to the Waterfront Committee on January 8, 2007 and that seven applications were received. Although at this time Robert Cheasty has withdrawn his application and no longer wishes to be considered.

The following people put in timely applications: Joseph Como, Kathy Diehl, Edward fields, Clay Larson, Francisco Papalia & Eddy So.

Mayor Lieber stated that at this time the City Council would like to hear from the applicants. Each applicant introduced themselves to the Council and spoke of their qualifications for appointment to the Waterfront Committee.

Mayor Lieber asked for nominations from the Council.

Council Member Wile nominated Kathy Diehl & Joseph Como. Council Member Okawachi nominated Clay Larson & Francesco Papalia. Council Member Javandel nominated Eddy So.

**VOTE ON JOSEPH COMO NOMINATION:**

Moved by Council Member Wile, seconded by Mayor Lieber to appoint Joseph Como to the Waterfront Committee.

AYES: Council Member Wile & Mayor Lieber

NOES: Council Members Atkinson, Javandel & Okawachi

Motion Died

**VOTE ON FRANCESCO PAPALIA NOMINATION:**

Moved by Council Member Okawachi to appoint Francesco Papalia to the Waterfront Committee.

Motion Died for Lack of Second

**VOTE ON EDDY SO NOMINATION:**

Moved by Council Member Atkinson, seconded by Council Member Javandel to appoint Eddy So to the Waterfront Committee.

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

NOES: Council Member Okawachi                      ABSENT: None

Motion carried and so ordered

**VOTE ON CLAY LARSON NOMINATION:**

Moved by Council Member Okawachi, seconded by Council Member Javandel to appoint Clay Larson to the Waterfront Committee.

AYES: Council Members Javandel & Okawachi

NOES: Council Members Atkinson, Wile & Mayor Lieber

Motion Died

**VOTE ON KATHY DIEHL NOMINATION:**

Moved by Council Member Wile, seconded by Council Member Atkinson to appoint Kathy Diehl to the Waterfront Committee

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

NOES: Council Member Okawachi                      ABSENT: None

Mayor Lieber noted that Eddy So and Kathy Diehl were appointed as the at-large appointees to the Waterfront Committee.

Motion carried and so ordered

Mayor Lieber thanked everyone that applied and Council Member Javandel thanked everyone even if he did vote no on some of the nominations.

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

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

Council Member Atkinson announced that she attended the Associated Community Action Program (ACAP) meeting.

Council Member Javandel announced that he attended the League of California Cities Mayors Institute and went on a tour of the State EPA Building.

Council Member Wile announced she also attended the League of California Cities Mayors Institute.

Mayor Lieber announced that he would be adding an item to a future agenda regarding ICLEI – local government for sustainability regarding CO2 inventory. Also attended the Alameda County Mayors Conference and spoke about a short-term drug center being opened. Mayor Lieber announced the City is participating in Food for the Hungry Project through February and urged everyone to bring in canned foods; and noted the City is hoping to keep this project in Albany all year with bins at different locations.

Mayor Lieber announced that the City Administrator would be attending the City Managers meeting where she will be talking to women about a career in City government.

**10. ADJOURNMENT**

10:55 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.

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ROBERT S. LIEBER  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK