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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, JANUARY 8, 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 pursuant to Government Code Section 54959.8

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

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; Richard Cunningham, Public Works Manager; Barry Whittaker, Project Manager; Melinda Chinn, Recreation & Community Services Director.

ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

Mayor Lieber announced that no decision was made but direction was given to staff.

3. 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.)

3-1. City Council minutes, December 4 & 11, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$204,709.81; taxes, benefits & withholdings in the amount of \$165,612.75. Total payroll in the amount of \$370,322.56. Payroll period: 12/08/06.

b. Ratification of City of Albany net payroll in the amount of \$173,355.95; taxes, benefits & withholdings in the amount of \$208,931.46. Total payroll in the amount of \$382,287.41. Payroll period: 12/22/06.

c. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,554.32; taxes, benefits & withholdings in the amount of \$33,946.74. Total payroll in the amount of \$78,501.06. Payroll period: 12/08/06.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,343.93; taxes, benefits & withholdings in the amount of \$50,453.69. Total payroll in the amount of \$94,797.62. Payroll period: 12/22/06.

Staff recommendation: Ratify.

3-3. Ratification of pension payments in the amount of \$105,634.96 for the month of December, 2006.

Staff recommendation: Ratify.

3-4. June 30, 2006 Reports of the Independent Auditors.
(File #310-30)

3. CONSENT CALENDAR

Staff recommendation: That Council accept the June 30, 2006 reports of the City's independent auditors on Albany Reinvestment Agency, Albany Police & Fire Relief Pension Fund, ACTIA Measure B Funds and Albany Appropriation Limit.

- 3-5.** Council Member Wile appointing Joseph Lambert, Arts Committee.

Staff recommendation: Information only.

- 3-6.** Council Member Atkinson appointing Wynette Weaver, Arts Committee; Sarita Mathiason, Charter Review Committee; Eddy So, Parks & Recreation Commission.

Staff recommendation: Information only.

- 3-7.** Council Member Atkinson nominating Jan Hitchcock to the Planning & Zoning Commission.

Staff recommendation: Council ratification.

- 3-8.** Consideration of Claim #AL540; The UPS Store v. City of Albany.
(File #170-60)

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

- 3-9.** Resolution #07-01 – A Resolution of the Albany City Council Approving the Association of Bay Area Government (ABAG) Report “Taming Natural Disasters” as the City of Albany’s Local Hazard Mitigation Plan.
(File #345-30)

Staff recommendation: Approve Resolution #07-01.

- 3-10.** Waterfront Committee Appointments.
(File #110-30)

Staff recommendation: Close nominations and schedule appointments of the two at-large members of the Waterfront Committee for the meeting of January 22, 2007.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar for discussion. The following item was removed 3-6.

3. CONSENT CALENDAR

3-6. Appointments

Council Member Atkinson noted that her appointee to the Arts Committee, Wynette Weaver, is unable to serve on the Committee and that she will be making another appointment.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel 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.

4. 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 five (5) 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 asked if anyone would like to speak.

Mr. Michael Wallace, Albany resident, complained about a project on Albany Hill noting that the developer is violating the Building Permit conditions that were set by the City; and that the City is not enforcing the required conditions.

Mr. Wallace asked the City Council to require staff to enforce the conditions of the building permit, as set by the City.

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

5. PRESENTATION/PUBLIC HEARING

6. UNFINISHED BUSINESS

6-1. Terrace Park, Ocean View Park & Memorial Park Rehabilitation Projects

(File #600-10)

The Recreation & Community Services Director reported that the current bid for Terrace, Ocean View and Memorial Parks incorporates the balance of the proposed park work under the Measure F Bond.

The rapid rise in constructions costs has impacted the project and the most recent cost estimates for completing design and providing construction management, which puts the total project cost estimate at \$4,400,750, including construction contingencies of 10% and other construction administration and soft costs.

6-1. Terrace Park, Ocean View Park & Memorial Park Rehabilitation Projects

Due to the tight match between available funds and the project cost estimate, staff has identified some project elements as “bid deducts”, which may have to be eliminated in the contract. The bid deducts include Memorial Park walkway improvements on Carmel and Thousand Oaks and the teen area, play structure, group picnic area and community garden at Ocean View Park for a total value of \$503,975. If it becomes necessary to deduct some, but not all of the bid deduct items, staff will ask the Parks and Recreation Commission to recommend the priority order to the City Council.

Mr. John Cahalan, Landscape Architect, gave a presentation to the City Council with photos showing the projects. Mr. Cahalan noted that the project is working closing with Stopwaste.Org and have received a green landscaping grant through them.

The City Council congratulated staff, the Commission and members of the public for all the hard work put into this project.

The following people spoke: Mr. Ray Anderson, Albany resident; Mr. Michael Wallace, Albany resident; Mr. Kim Linden, Albany resident; Mr. Mara Duncan, Albany resident; Ms. Peggy Thomsen, Albany resident.

A summary of the comments is as follows: Requested that the fireplace with the names inscribed on be kept, as a historical building. Asked for a status update on the Pierce Street Park. Spoke in favor of keeping the community gardens asking that this item not be “bid deduct”. Noted that the group Sustainable Albany would like to work with the City on this project.

Mr. John Cahalan responded to the question about the fireplace at Memorial Park and noted that the bricks will be salvaged and put back together so that it would be preserved.

The Recreation & Community Services Director responded to the question about Pierce Street Park noting that the land is still owned by Caltrans, however, the City is working with Caltrans to acquire the property.

Mayor Lieber stated that he agreed with previous speakers and would not like to see the community gardens taken out of the project.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to approve staff’s recommendation, as follows: 1) Authorize call for bids to renovate Terrace Park, Memorial Park Phase II (including the ball field renovation) and Ocean View Park. 2) Amend project budget and reallocate \$143,184 from Measure R funds for ball fields currently allocated for Pierce Street Park and \$381,657 from Measure F contingency funding allocated for parks and projects.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Clean & Green Task Force

(File #405-45)

Council Member Wile stated that Tom Cooper has been added to the Task Force and this brings the membership to 13 people, who will all be volunteering their time. Council Member Wile indicated she and the other Task Force members are very excited about coming up with ideas for Albany.

Mayor Lieber asked a question about the blog that has been started in regards to the Brown Act.

The City Attorney responded that this is a very new area for cities and that there is very little information about this issue. The City Attorney stated that he believes it is appropriate to have information on the blog but that the members of the Task Force cannot use it for putting out their ideas, as this would be a violation of the Brown Act.

The City Attorney stated that if the blog were used for input from the public it would make sense to include the information in the agenda packet.

The following people spoke on this issue: Ms. Peggy Thomsen, Albany resident; Mr. Sol Strand, Albany resident; Ms. Mara Duncan, Albany resident; Mr. Michael Green, Albany resident; Ms. Caryl O'Keefe, Albany resident.

A summary of the comments is as follows: Everyone spoke in favor of the Task Force but urged the Council to be very careful about violating the Brown Act and to keep the public informed and allow residents to apply for membership on the Task Force. Expressed concern about outside residents being on the Task Force and that economic development should be the primary goal of the City Council and all business should be promoted to come into Albany. Stated that it is critical that this Task Force look at and consider regional issues. A question was raised as to why this is only being limited to Cleveland Avenue and not including Eastshore Highway. Asked for more information on a proposed budget for this Task Force.

Council Member Okawachi stated that she would like to have on the membership someone from the business community and/or Chamber of Commerce. Council Member Okawachi noted that she agrees with one of the speakers that the City needs to have strong economic development.

Council Member Wile stated that she did ask Council at the last meeting if they had suggestions for possible membership to let her know. Council Member Wile reminded everyone that the global warming clock is ticking and that Albany needs to make changes immediately.

Council Member Atkinson stated that she agrees the City must start to act regionally.

Mayor Lieber stated that the Council does respect the Brown Act and that there has been no violation. Mayor Lieber noted that the City needs to address issues that affect the environment and the community and sees this group as a Blue Ribbon Task Force. Mayor Lieber stated that he supports discussing this more and making the process clearer for the public.

Council discussed this issue in length with many suggestions as to the membership makeup of the group.

Council consensus to bring back to Council a Resolution, which outlines the composition and charge of the Task Force and to bring any applications or letters of

6-2. Clean & Green Task Force

intent received. Specifically looking to appoint up two (2) citizens at-large from the community and up two (2) business owners/Chamber of Commerce members. The Task Force could then be established at the next Council Meeting.

6-3. El Cerrito Plaza Condominium Project

(File #420-35)

Mayor Lieber stated that the El Cerrito Plaza Condominium Project is undergoing the permit extension process in the City of El Cerrito. The City of Albany is in the process of conducting an environmental study on the possible closure of Albany streets adjacent to the Plaza on the City border. Mayor Lieber stated that he would like the Council to give authorization for him and/or another Council Member to meet with the developer of the project.

Mayor Lieber stated that the City has seen a large increase in traffic and believes that it would be wise to open up communication with the developer and the City of El Cerrito.

Mayor Lieber noted that he would like to offer a compromise to create a cul-de-sac at the end of Evelyn Street at the Plaza and to daylight Cerrito Creek between the Plaza property and Albany streets.

The following people spoke: Mr. Preston Jordan, Albany resident; Mr. Jason Foster, Albany resident; Mr. Gene Hellwig, Albany resident; Mr. Michael Green, Albany resident; Ms. Ellen Hershey, Albany resident.

A summary of the comments is as follows: Presented Council with drawings of the area; Spoke about the appeal that was started by Albany neighbors to the City of El Cerrito; Complained about the trucks going down the street constantly and the number of cars going in and out of the Plaza; Expressed concern about the lack of communication between the two cities; noted that neighbors have been dealing with this issue over the last two years and cautioned the Council that neighbors have experienced duplicity and to keep their eyes open; asked the City of Albany try to hold the developers accountable.

Council Member Javandel noted that he is going to be attending the League of Cities conference and will probably run into Council Members from the City of El Cerrito and will try to have some informal discussion with them about this project.

MOTION:

Moved by Mayor Lieber, seconded by Council Member Wile authorizing the Mayor to direct staff to send a letter to the City of El Cerrito advising them of the potential closure of Albany streets and offering in the spirit of working together the discussion of these issues. Also to authorize the Mayor to meet with the developer of the El Cerrito Plaza project to discuss a compromise to create a cul-de-sac at the end of Evelyn Street and the Plaza and to daylight Cerrito Creek between the Plaza property and Albany streets.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7. NEW BUSINESS

8. 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).

8-1. City offices will be closed on **Monday, January 15, 2007**, in observance of Martin Luther King, Jr. Day.

8-2. The regular meeting of Tuesday, **January 16, 2007**, has been cancelled. The City Council will meet instead on Monday, **January 22, 2007**.

ADJOURNMENT

10:20 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