

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 20, 2006**

---

**7:15 p.m.**

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS.**

Pursuant to Government Code Section 54957.6 to discuss public employee recruitment and appointment.

Title: Police Chief

**ADJOURN TO CLOSED SESSION**

**8:00 p.m.**

Mayor Maris 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 Good, Javandel, Lieber, Okawachi & Mayor Maris  
Absent: None

**STAFF PRESENT**

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Rich Cunningham, Public Works Manager; Nicole Almaguer, Environmental Resources Associate; Melinda Chinn, Recreation & Community Services Director; Chelle Putzer, Recreation Supervisor.

**3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION**

Mayor Maris announced that staff was given direction and no decision was made.

Mayor Maris stated at this time he would like to make a presentation to the City Administrator commemorating her 5 years of service with the City. Mayor Maris presented a plant and a proclamation, which listed some of the accomplishments over the past 5 years.

#### **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 6, 2006.**

Staff recommendation: Approve.

##### **4-2. a. Ratification of City of Albany net payroll in the amount of \$172,245.53; taxes, benefits & withholdings in the amount of \$137,201.99. Total payroll in the amount of \$309,447.52. Payroll period: 03/03/06.**

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,518.09; taxes, benefits & withholdings in the amount of \$32,445.55. Total payroll in the amount of \$75,963.64; Payroll period: 03/03/06.

Staff recommendation: Ratify.

##### **4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$227,388.01. Period: 03/10/06.**

b. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$1,022.48. Period: 03/10/06.  
(File #300-40)

Staff recommendation: Approve.

##### **4-4. Resolution #06-5 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 04-07, Lower Codornices Creek Restoration. (File #600-30)**

Staff recommendation: Approve Resolution #06-5.

**4. CONSENT CALENDAR**

- 4-5.** Resolution #06-8 – A Resolution of the Albany City Council Approving the Application for Grant Funds from Target Corporation for the City of Albany’s Music in the Park Concert Series.  
(File #950-40)

Staff recommendation: Approve Resolution #06-8.

Mayor Maris asked if anyone would like to remove an item from the Consent Calendar for discussion. Mayor Maris removed item 4-4.

**4-4. Resolution #06-5 Codornices Creek**

Mayor Maris noted that the creek restoration from 5<sup>th</sup> Street down to the Union Pacific Railroad tracks is forming well and that gravel bars are developing and steelhead are coming into the creek.

**MOTION:**

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

AYES: Council Members Good, Javandel, Lieber, Okawachi & Mayor Maris

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 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.

The following people spoke: Ms. Rebecca Gillis, Pierce Street, complained about the condition of Pierce Street noting that the streets do not get cleaned due to the parked cars and that they need to be repaved.

Mr. Norman LaForce, Sierra Club, submitted a letter from Urban Creeks Council supporting the efforts of the Sierra Club/Citizens for Eastshore State Park (CESP) proposal for the restoration of Codornices Creek at the Magna Development Golden Gate Fields site.

Mr. Mark Evangelides, submitted a letter regarding the City acquisition of Creekside Property and noted that a letter was sent to the City Administrator on February 10, 2006.

Ms. Sally Outis, Ventura Avenue, informed the Council about an anonymous telephone call she received, which was very nasty regarding a coffee being held on the Caruso Project.

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

**6. PRESENTATION/PUBLIC HEARING**

## 7. UNFINISHED BUSINESS

### 7-1. Residential Street Sweeping Status Report and Recommendations (File #820-30)

The Community Development Director and the Environmental Resources Associate presented this item. It was noted that Council modified the Street Sweeping Program allowing alternative notification to residents, commercial users and commuters, in lieu of installing permanent No Parking signs. In September, 2005, Council authorized the execution of a contract with Universal Building Services to conduct monthly residential street sweeping throughout the City. The City notified residents of this program via e-mail notification, website notices, cable channel reminders.

Staff made temporary (cardboard) No Parking signs available to residents at no cost and to date 500 signs have been given out and 111 residents have signed up for e-mail reminders.

Staff has been monitoring the compliance, which ranges from good, fair and poor. Staff has received an increasing number of inquiries from residents regarding the installation of permanent No Parking signs.

Discussion with the Public Works Division and the Police Department indicate that staff is available to install the permanent No Parking signs and conduct enforcement, as needed.

The Community Development Director stated that approximately 280 Street Sweeping No Parking signs would need to be installed on the side streets abutting Solano Avenue commercial district. The cost for this would be approximately \$30,800 if the installation is outsourced (\$110 per sign) and if it were done in-house the cost would be \$58.15 per hour, one sign per hour.

This cost would be funded from the street sweeping franchise fee (\$40,000) and from the storm drain fund (\$50,000). Approximately \$150,000 is available from prior street sweeping franchise fees that were placed in equipment reserve. It is anticipated that costs incurred by the Police Department to conduct parking enforcement activities would be off-set by revenues received from warrants.

The following people spoke on this subject: Ms. Rebecca Gillis, Pierce Street; Mr. Steve Divine, Key Route Blvd; Mr. Mark Evangelides, Pierce Street.

A summary of the comments is as follows: Complaint that Pierce Street is not included and needed to be paved and/or cleaned and that staff never returns telephone calls; agreed with staff that signs should be installed; asked that Pierce Street be represented instead of ignored.

Mayor Maris noted that MTC and CMA have a one-time grant in the amount of \$100,000 for paving in the City, which has been dedicated to Pierce Street.

Council Member Lieber stated that the storm drains go into the Bay and would like signs put up throughout the City and if the residents do not want signs then they must come up with an alternative plan to keep cars from being parked on the street during street sweeping.

### **7-1. Residential Street Sweeping Status Report and Recommendations**

Council Member Javandel stated that he agreed with other speakers that the message needs to be heard by the commuters especially at Solano/Pierce Street where they catch the bus for San Francisco. Council Member Javandel believed that the City should keep trying with the temporary signs; however, if that fails then permanent signs must be installed.

#### **MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve staff's recommendation, as follows: 1) Schedule a public hearing for the Council meeting of April 17, 2006 on the installation of permanent No Parking signs for street sweeping purposes on the side streets abutting the Solano Avenue commercial zones (800 and 900 blocks) from Madison Street to the west side of Tulare Avenue. 2) Work with the Albany Unified School District and street sweeping contractor to develop an acceptable alternate sweeping schedule on streets adjacent to the high school, middle school, Cornell and Marin schools. This may include an evening or 7:00 a.m. sweeping schedule, as part of the commercial route, or installation of permanent No Parking signs if necessary. City Council approval would be sought prior to initiating any change. 3) Prepare procedures for residents to request the installation of permanent No Parking signs for street sweeping purposes. Such procedures would address how a request is received, evaluated and completed. City Council approval would be sought prior to finalizing said procedures.

AYES: Council Members Good, Javandel, Lieber, Okawachi & Mayor Maris

NOES: None

ABSENT: None

Motion carried and so ordered.

### **7-2. City Signage**

(File #820-20)

The Assistant City Administrator reported that in 2005 staff was directed to pursue development of design standards for signage for City entryways, parks and other appropriate location.

The City retained Mr. Mark Bronkhorst, TypoBrand, an Albany resident who has worked regularly as a City volunteer. Mr. Bronkhorst developed several very different options for the entryway signage on Buchanan, as follows: 1) Location of Signage: Fire Station versus vertical signage in the median. 2) Design versus Words Only: In both types of signs there is the potential to have some type of graphic design. A set of key words to guide in the development of graphic accompaniment to the words was developed, as follows: kids, family, community, green, sustainable, waterfront, open space, Albany Hill, small town, small businesses, walking, bicycling.

As part of the review, it was noted that the City's seal and slogan could be updated.

The Assistant City Administrator presented a slide show with the various options that could be used.

Council Member Good noted that he likes the "welcome sign" in front of the Fire House and that he likes the multi-colored logo in the City seal.

## **7-2. City Signage**

Council Member Okawachi stated that she would like to see a combination of signs and banners in the City and also liked the sign in front of the Fire House.

Council Member Lieber stated that he liked the vertical looking tree sign and noted that he would like to see more art throughout the City. Also agreed that the sign in front of the Fire House was a good location and maybe could also identify the City Hall and Police Department. Also noted that he would like to see a combination of signs, banners and metal cutouts.

Council Member Javandel stated that he believes there should be a sign in the median on Buchanan so that people coming off the freeway know that they are in Albany and also place signs at the north and south end of San Pablo Avenue.

Mayor Maris indicated that the San Pablo Avenue Vision Plan shows signs at the entryway to the City and noted any decision should work with that concept. Also believes that the signs could be compatible with neighborhoods and liked the vertical tree sign and the welcome to Albany in front of the Fire House. Noted that the City seal could be improved and that something other than “Northern Gateway to Alameda County”, maybe use the words sustainable green.

The Assistant City Administrator noted that she would come back to Council with some cost estimates including the vertical tree sign.

Mr. Ray Anderson asked that the service organization names be placed somewhere along Buchanan.

No Council action was taken.

## **8. NEW BUSINESS**

### **8-1. Waterfront Planning Process**

(File #490-20)

The Community Development Director and the Planning Manager presented this item noting that Council Member Javandel asked that it be put on a future agenda for Council discussion.

Council has held numerous meetings regarding the information on the Golden Gate Fields property and included a decision not to proceed with a City initiated waterfront planning process but rather establish a consultant team, as necessary to advise the City on the environmental review process and other aspects of processing the anticipated application from Caruso Affiliated for development on the Golden Gate Fields property.

Subsequently a Notice of Intent to circulate an Initiative Petition has been filed with the City Clerk. If the Initiative qualifies for the ballot and approved by the voters, it would amend the General Plan and mandate the preparation of a Specific Plan, within development, environmental, open space and revenue parameters established in the Initiative language and associated CEQA review under the direction of a nine-member Task Force. When completed, the Task Force’s Specific Plan would be subject to the vote of the electorate.

### **8-1. Waterfront Planning Process**

Simultaneously, the City expects an application from Caruso Affiliated for development of property owned by Magna Corporation. Staff has recently confirmed that Caruso Affiliated is actively continuing to prepare an application for submission to the City in spring 2006.

Staff noted that in a Council-initiated planning process; there is flexibility in determining the scope of the planning process and the manner in which the community, City Commissions, and outside agencies interact with the planning team. There is also discretion in determining the scope of the plan, ranging from preparation of a comprehensive legally binding plan to preparation of a general statement of planning principles.

Any planning process has to be sensitive to the fiscal realities and legal constraints associated with potential restrictions on the use of private property. The preparation of a constraints analysis would involve some fact-finding meetings to accurately define alternative waterfront scenarios. In addition, presentation of results to various stakeholders could be arranged.

The Community Development Director stated that for a large scale Council or Initiative-mandated planning process, additional City funding is expected to be required. The cost of the process depends on a variety of factors, including the range of technical studies required, the extent of community outreach and meetings, the number of alternatives studied and the length of the decision-making process.

For comparative purposes, a planning process with which the City is familiar from the last several years is the Eastshore State Park; its site planning, public outreach, preparation of the General Plan and associated CEQA analysis was budgeted at approximately \$720,000 in the year 2000. Staff can come with more accurate cost estimates and identification of sources of funds.

The City Attorney at this time gave a brief summary of the citizen's Initiative that was filed with the City.

The following people spoke on this issue, as follows: Mr. Ken Shapiro, Evelyn Avenue; Mr. Pete Hobart, Albany resident; Mr. Bill Dann, Stannage Avenue; Ms. Jean Safir, Neilson Street; Mr. Sol Strand, Pierce Street; Ms. Elnora Cameron, Albany resident; Mr. Howard McNenny, Albany resident; Ms. Lubov Mazur, Ordway Street; Mr. Mark Evangelides, Pierce Street; Francesco, Key Route Blvd.; Mr. Ed Fields, Albany resident; Mr. Norman LaForce, Sierra Club; Ms. Mara Duncan, Solano Avenue; Mr. Manual Cisneros, Albany resident; Ms. Karyl O'Keefe, Jackson Street; Ms. Thelma Rubin, Hillside Avenue; Mr. Alan Riffer, Jackson Street; Mr. Robert Cheasty, Albany resident; Mr. Jeff Pillar, Talbot Avenue; Mr. Matt Middlebrook, Caruso Affiliated; Ms. Sally Outis, Ventura Avenue.

A summary of the comments is as follows: Believes the citizen's Initiative negates Measure C; noted that the City Attorney did an excellent job with the Summary, which is available on Citizens for Albany Shoreline website and believes the City should remain neutral; Questioned the makeup of the Task Force, as outlined in the Initiative; asked that the City provide information that will avoid voter confusion; spoke about the Environ Plan for the Bulb and Neck Area and suggested the City go back and make that Plan work; noted that the City Council has a fiduciary responsibility to keep the City

### **8-1. Waterfront Planning Process**

solvent; asked people to trust Measure C and that no other money be spent on a planning process; believes that the Initiative is trying to muddy the waters and believes in the people of Albany to make the right decision; asked what agreements have been made regarding the Waterfront and noted that Magna is in the process of filing a lawsuit regarding collection of money from Indian Compacts; noted that the Waterfront Committee asked the City to go ahead with a planning process, which did not happen; asked the City to inform Caruso Affiliated that the City will not entertain any changes to the General Plan; noted support for the citizen's Initiative and protection for the Waterfront area; noted the City should be planning long-term for sustainability; asked for more reasonable way to get information to the voters; asked that any planning process be simple and let the voters decide on a proposal at the Waterfront; spoke about impact analysis reports, as noted in the Elections Code; noted that Measure C is not a planning process and that the General Plan needs to be updated periodically; believes that the role of Council is provide leadership and facilitate public debate; spoke about the rules changing in the middle of a process and noted that parallel planning processes will create confusion.

Council Member Javandel stated that one thing missing from the other planning process is a facilitated process, which could feed into an EIR process. The City Administrator asked how this might differ from the planning process facilitated by the City.

Council Member Okawachi expressed concern about the fiscal issues and would like to have more information on the costs.

Council Member Good stated that the Council must decide whether it will take a proactive approach or stay neutral.

Council Member Lieber stated he would like to see a clear plan and reiterated that he asked for a moratorium on any development at Golden Gate Fields previously and again would like the Council to go on record with a moratorium to implement a City planning process.

#### **MOTION:**

Moved by Council Member Good, seconded by Council member Lieber to extend the meeting to 11:15 p.m.

Motion carried and so ordered.

Mayor Maris stated that he would like to see the costs for a full planning process and that the City must educate the voters. Mayor Maris stated that he would like to know what sources of funding are available to make this area a park and that the voters need to know this information so that can make a decision in November.

Council Member Javandel stated that the Council should look at both sides and not aimed at any one proposal and would like to see information on costs, schedule and what the City will get.

No Council action taken.

**8-2. Consideration of Resolution Calling for a Full Investigation, Impeachment or Resignation of President Bush and Vice-President Cheney.**

(File #110-60)

Council Member Lieber stated that he asked for this item to be on the agenda and believes it is an important issue to Albany and noted that the Federal Government is out of control and needs to be held accountable. Therefore, would like the Council to refer this item to the Social & Economic Justice Commission to prepare a Resolution and that they provide a recommendation as to whether the Council should adopt such a resolution.

The following people spoke on this subject: Mr. Mark Evangelides, Pierce Street; Ms. Mara Duncan, Solano Avenue; Mr. Jeff Pillar, Talbot Avenue; Mr. Mike Fletcher, Albany resident; Mr. Bill Dann, Albany resident. Mr. Robert Cheasty, Albany resident; Ms. Thelma Rubin, Hillside Avenue;

A summary of the comments is as follows: Disagreed with the action stating there are more pressing local issues that need to be taken care of and the Council should work within the community borders; agreed with the action and noted that the Federal Government can be affected by local action; noted this is an inappropriate venue for this type of action; believe it is an issue of democracy; noted that the City Council is non-partisan and this action should not be taken at this level.

Council Member Okawachi and Mayor Maris both spoke noting that this is not the place for making this type of decision and have confidence in the elected representatives.

**MOTION:**

Moved by Council Member Lieber to refer the Impeachment Resolution to the Social & Economic Justice Commission and ask the Commission whether the Council should adopt the resolution.

Motion Died for Lack of Second

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to continue Items 8-3 & 8-4 to the next meeting.

Motion carried and so ordered.

**9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS**

Mayor Maris announced that CMA is asking cities to pay for a new San Pablo Avenue Rapid Bus Service. Also noted that as part of mitigation issues the Sport Fields JPA is looking for funding for the Owl Habitat.

Council Member Javandel noted that many people celebrate the start of spring and wish them a Happy New Year and noted that many Persian families are celebrating Persian New Year.

**10. ADJOURNMENT**

11:35 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

---

ALLAN MARIS  
MAYOR

ATTEST:

---

JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK