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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, JULY 10, 2006

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; Melinda Chinn, Recreation & Community Services Director; Ann Chaney, Community Development Director; Richard Cunningham, Public Works Manager; Barry Whittaker, Project Manager; Randy Leptien, City Engineer; Charles Adams, Finance & Administrative Services Director; Marc McGinn, Fire Chief.

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, June 19, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$168,118.70; taxes, benefits & withholdings in the amount of

3. CONSENT CALENDAR

\$199,715.42. Total payroll in the amount of \$367,834.12. Payroll period. 06/23/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,588.70; taxes, benefits & withholdings in the amount of \$45,432.39. Total payroll in the amount of \$89,021.09; Payroll period: 06/23/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$20,265.91. Period: 06/01/06.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$297,992.25. Period: 06/02/06.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$174,730.50. Period: 06/15/06.

d. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$290.00. Period: 06/02/06.

Staff recommendation: Approve.

3-4. Award of Contract #C06-15 to Asphalt Striping Inc. for installation of No: Parking Street Sweeping Signage on side streets abutting Solano Avenue (between Washington and Marin Avenue) from Madison Street to Ventura Avenue and on the 500 and 600 blocks of Pierce Street.

Staff recommendation: Approve Award of Contract #C06-15.

3-5. Award contract for Restroom Buildings, Ocean View Park & Terrace Park, Contract 06-08.

Staff recommendation: 1) Award contract #06-08 in the amount of \$426,527 to McNabb Construction, Inc., to prepare restroom sites and to furnish and install pre-fabricated restroom/storage buildings at both Ocean View and Terrace Park. 2) Authorize the City Administrator to amend the contract with John Cahalan, Landscape Architect for an additional \$26,358 to cover costs for additional design and engineering services.

3-6. Sonoma Speed Hump/Peralta Restriping, Contract #06-10 for the Sonoma Avenue Speed Humps and Peralta Avenue Restriping.

Staff recommendation: Authorize the City Administrator to negotiate contracts for the Sonoma Avenue speed humps and Peralta Avenue restriping. Because the project has been properly advertised and no bids received, the Charter provides that the Council can have the work performed without further compliance with the requirements for advertising and bidding.

- 3-7.** Resolution #06-37 – A Resolution of the Albany City Council Establishing the Appropriations Limit for the 2006-07 Fiscal Year at \$12,357,362.

Staff recommendation: Approve Resolution #06-37.

- 3-8.** Resolution No. 06-38 – A Resolution of the Albany City Council Amending Resolution #67-44 and Establishing Locations for Official Bulletin Boards within the City of Albany.

Staff recommendation: Approve Resolution #06-38.

- 3-9.** Resolution #06-39 – A Resolution of the Albany City Council Adopting the Yearly Tax Rate for the Pension Override Tax to Fund City of Albany Pension Obligations in Accordance with Assembly Bill 377 and Assembly Bill 13. The Tax Rate is Adopted for the Fiscal Year Beginning July 2, 2006 and ending June 30, 2007.

Staff recommendation: Approve Resolution #06-39.

- 3-10.** Resolution #06-40 – A Resolution of the Albany City Council Declaring the Results of the Special Municipal Election held on June 6, 2006.

Staff recommendation: Approve Resolution #06-40.

- 3-11.** Resolution #06-41 – A Resolution of the Albany City Council in Support of Funding Measures that Lead to the Relocation of the Cleveland Avenue Off-Ramp from I-80 to Merge with the I-580 Off-Ramp to Buchanan Street.

Staff recommendation: Approve Resolution #06-41.

- 3-12.** Resolution #06-42 – A Resolution of the Albany City Council Approving Amendment No. 1 to Engineer's Report and Amending Resolution No. 06-34, Landscaping and Lighting Assessment District No. 1996-1 for Fiscal Year 2006-07.

Staff recommendation: Approve Resolution #06-42.

3. CONSENT CALENDAR

3-13. Consideration of Claim #AL528; Korsbakken v. City

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

3-14. Confirmation of Council Member Good, as the City's representative to the League of California Cities annual business meeting and Council Member Javandel, as the alternate.

Staff recommendation: Confirm appointments.

3-15. Contract #C06-17: City of Albany and County of Alameda for Additional Library Services, Fiscal Year 2006-07.

Staff recommendation: Approve Contract #C0-17.

3-16. Vacation of Right-of-Way at 1001 Eastshore Highway.

Staff recommendation: Continue public hearing to Monday, July 24, 2006.

Mayor Maris asked if anyone would like to remove an item from the Consent Calendar for discussion. The following items were removed: 3-5, 3-8 & 3-14.

3-5. Award of Contract #06-08

Mayor Maris expressed concern about the significant growth of the costs for the project and the Recreation & Community Services Director responded that the City may or may not have to dip further into the Measure F funds for park projects.

3-8. Official Locations for Posting City Notices

Mr. Alan Riffer asked for clarification on this item and was told by staff that the City is going to install a bulletin board similar to the one at City Hall for posting of City notices.

Mr. Riffer suggested that the Childcare building or the Veterans' building be used instead of the Fire Department, as that location is so close to the City Hall location. Mr. Clay Larson disagreed noting that the Fire Department is a good place for posting, as it is open 24 hours, 7 days a week.

The City Administrator stated that the City was not going to take away current locations.

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3-14. Representative to the League of California Cities Annual Conference

Council Member Good stated that he is the City's representative and Council Member Javandel, as the alternate. However, noted that he is unable to attend the meeting in San Diego so the Council needs to appoint someone else to be the voting delegate.

It was the consensus of the City Council that Council Member Javandel would be the voting representative with Mayor Maris as the alternate.

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.

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 Maris asked if anyone would like to speak and the following spoke:

Ms. Jean Safir, Albany resident, submitted a letter with comments on revised and updated CEQA Implementing Procedures.

Ms. Sally Outis, Albany resident, announced that a new Committee has been formed named Concerned Albany Neighbors (CAN) and stated that there needs to be a forceful ballot argument against the Initiative.

Mr. Charles Paghter, Albany resident, spoke on a tax base that is needed in the City and noted that the Waterfront is the only place for any new development.

Ms. Marge Atkinson, Albany resident and Chair of Citizens for Albany Shoreline (CAS) stated that the Initiative is a way for the people to have a voice in the Waterfront development.

Ms. Stephanie Travis, Albany resident, stated that she is an environmentalist but is against the Initiative and stated the need for a tax base in the City.

5. PRESENTATION/PUBLIC HEARING

5-1. Five-Year Capital Improvement Plan – FY 2006-07 through 2010-11
(File #330-40)

The Community Development Director reported that every two years the City Council reviews and approves a five-year Capital Improvement Plan (CIP). The CIP for the upcoming five-year period includes 34 individual project schedules, some of which represent multiple projects for streets, sewer and storm drain.

5-1. Five-Year Capital Improvement Plan – FY 2006-07 through 2010-11

The passage of Ballot Measure “F” (known as Measure F-2006), June 2006, will enable the inclusion of newly budgeted projects for storm drain and pavement rehabilitation. There is no General Fund financing of projects included in the CIP budget.

The Community Development Director stated that the Waterfront Committee made the following motion: The 100 foot section of the Bay Trail that was installed to connect the existing Bay Trail on Buchanan with the Trail being planned by the East Bay Regional Park District that some of the work be done in-house and then ask the Park District to pay for that section.

Comments from the Council ranged from a special assessment district for the neighbors on Neilson Street who are directly impacted by the sewer system to the question of Catherine’s Walk and improvements made for safety reasons.

Council Member Good stated that he would be recusing himself from any discussion or action on Memorial Park or the Veteran’s Building and asked the Council for a separate vote on the CIP budget.

Council Member Javandel asked if he would have to recuse himself from any discussion regarding Solano Avenue, as he lives on that street. Council Member Good responded that he is very familiar with the State Code and street improvements are not considered a conflict.

Mayor Maris opened the public hearing and the following people spoke: Mr. Charles Paghter, Albany resident; Mr. Peter Rosenfeldt, Albany resident; Ms. Terri Whirl, Albany resident.

A summary of the comments is as follows: Concerned about a street repair on the 900 block of Kains noting a big ditch in the street. Concern was expressed about the costs increasing so much.

Staff responded to the concern about the Kains Avenue problem and noted that a slurry seal was used, which is not as thorough as a complete repaving.

There being no one else wishing to speak Mayor Maris closed the Public Hearing.

At this time, the City Council had a discussion and asked questions of staff regarding the CIP Plan presented for their review.

Mayor Maris asked a number of questions about various projects including the Buchanan Street bicycle project noting that the Congestion Management Authority has some funding and the City needs to continue to pursue this so that this project moves up the list.

Also discussed was the street median at Key Route and Mayor Maris asked if this project could be completed during the 2006/07 budget. Staff responded that the City could possibly pay for this out of the 2007/08 Landscaping & Lighting District monies; however, if a project listed for the 2006/07 budget does not go forward for any reason, the City might be able to use that money.

Council Member Okawachi presented Resolution #06-45 – A Resolution of the Albany City Council Adopting a Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2006-07 through 2010-11.

5-1. Five-Year Capital Improvement Plan – FY 2006-07 through 2010-11

MOTION:

After reading the title, and waiving reading of the entire Resolution, it was moved by Council Member Okawachi, seconded by Council Member Javandel to approve Resolution #06-45.

ON THE QUESTION:

Council Member Good asked that the motion be separated so that Memorial Park and the Veteran’s Building are removed from the portion he would vote on.

AMENDED MOTION:

Council Member Okawachi amended the motion to approve Resolution#06-45 without Memorial Park and the Veteran’s Building, seconded by Council Member Javandel.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to approve the remainder of the CIP budget regarding Memorial Park and the Veteran’s Building,

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

NOES: None

ABSENT: None

RECUSE: Council Member Good

Motion carried and so ordered.

6. UNFINISHED BUSINESSW

6-1. Public Safety/Civic Center Project

(File #200-30)

The City Administrator reported that in February, 2006, the City Council authorized the preparation of two sets of plans for a Public Safety/Civic Center project, as follows:

Level I Plan provides for the seismic retrofit of the Fire & Police Station and City Hall, including new roofs and replaces the heating system in the Police Station and City Hall building. This project also renovates and adds 500 square feet to the Police Station; at the Fire Station, the dorms and restrooms are renovated and a storage area is added. The estimated project cost is \$6.5 million and the source of funds is the City’s 2002 Measure F bond measure.

Level II Plan provides for additional work to be performed on the Fire Station, including an apparatus bay extension, kitchen/day room expansion and office area renovation. An emergency operations center and training facility would be built on the asphalt space between the Police and Fire Stations and fire protection sprinklers are added to the entire Public Safety/Civic Center complex. The estimated project cost for this work is approximately \$4 million.

6-1. Public Safety/Civic Center Project

The City Council has stated its intent to place a tax measure on the November, 2006 ballot to fund the Level II scope of work. The purpose of preparing two sets of plans, one with only Level I work and one that includes Level II work, is to be able to go out to bid on the project shortly after the November election with either only Level I funded or including Level II if the tax measure passes.

The City Administrator noted that staff recommends that a ballot measure for the Level II scope of work be set so as to generate \$4.5 million to cover the current estimated cost of approximately \$4 million and provide for a \$500,000 contingency given the uncertainty and volatility of the construction bidding climate. If Council wishes to include the estimated \$625,00 sustainable building elements, staff recommends a bond measure of at least \$5 million.

The estimated average annual tax rates for a \$4.5 million bond and a \$5 million bond measure per \$100,000 of assessed valuation are \$16.69 and \$18.47 respectively for a period of 25 years; the estimated highest annual tax is \$21.33 and \$23.66 respectively per \$100,000 of assessed valuation.

Council Member Lieber supported the addition of sustainable buildings and noted that Government should be a leader. Council Member Lieber stated that he would like to combine the Civic Center and the Veteran's Building into one measure.

Council Member Javandel agreed that the City should lead by example and that the Civic Center project should include adding the green elements and increasing the cost to \$5 million. Council Member Javandel noted that his preference would be to keep the Civic Center and the Veteran's Building separate ballot measures.

Ms. Tam, Noll & Tam, spoke to the Council regarding the proposed plans and also spoke to the green building elements.

Council Member Good stated that he also is in favor of adding the green building element to the bond issue.

Council Member Okawachi introduced Resolution #06-43 – A Resolution of the Albany City Council Determining that the Public Interest and Necessity Demand the Renovation, Construction and Completion of Certain Municipal Improvements and their Financing through the Issuance of General Obligation Bonds.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Okawachi, seconded by Council Member Good to approve Resolution #06-43.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Okawachi introduced for First Reading – Ordinance #06-09 – An Ordinance of the Albany City Council Ordering the Submission of a Proposition to the Qualified Voters of the City of Albany at the Regular Municipal Election to be Held on November 7, 2006 of Incurring Bonded Debt for the Purpose of Renovating the City's Fire Station, Constructing an Emergency Operations Center at the City's Police/Fire Complex at the Civic Center, and Adding Sustainable Building Features at the City's Fire/Police City Hall Complex at the Civic Center.

6-1. Public Safety/Civic Center Project

ON THE QUESTION:

Bond Counsel asked for language change, as follows: Revise Section 11 – Ordinance should be published in accordance with applicable State law and the City Charter provisions.

Council Member Good asked for clarification of the motion that it includes a \$5 million amount.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Acquisition of the Albany Veteran’s Memorial Building

(File #670-20)

Council Member Good stated that he would be recusing himself from the discussion regarding this item. Council Member Good left the Council podium.

The Recreation & Community Services (R&CS) Director reported that in the 2004 Parks, Recreation and Open Space Master Plan identified a need in Albany for additional indoor recreation space for numerous activities for all age groups. The Plan also identified the Albany Veteran’s Memorial Building, as an existing facility that if acquired by the City could help meet this need.

The City Council directed staff to explore the feasibility and determine the financial obligations resulting from acquiring the Veteran’s Building. To date, the following actions have been taken: 1) Held discussions with staff from Alameda County to determine the County’s willingness to transfer ownership of the building. 2) Initiated two building assessments of the facility to identify deficiencies in the building and lack of compliance with public building requirements; and associated cost estimates to repair and retrofit for meeting requirements and needs for City program use. 3) Met with the Albany Veterans and the Alameda County Veterans Commission to discuss the City’s interest in acquiring the building for recreational activities and shared use of the building. 4) Drafted a Memorandum of Understanding for shared use of the building between the City and the Albany Veterans Building Committee.

Council Member Lieber asked staff for a timeframe when they believe the project could be dealt with. The R&CS Director responded that in spring, 2008 the park projects will be completed and the Community Development stated that in 2008/09 the Curtis/Neilson sewer would be completed. The Project Manager noted that he is doing a lot of structural engineering projects and the earliest they would be completed is 2008.

Council discussed whether they City should pursue this acquisition especially in light of all the other projects that are being worked on.

Council Member Lieber asked that staff move forward with their negotiations with the Veteran’s group and the County so that the City would be ready when and if the Council pursued the acquisition.

The following people spoke on this matter: Mr. Charles Paghter, Albany resident; Mr. Alan Riffer, Albany resident; Mr. Sol Strand, Albany resident; Ms. Jean Safir, Albany resident.

6-2. Acquisition of the Albany Veteran's Memorial Building

A summary of the comments is as follows: The Veteran's Building has been under used; concern was expressed about construction costs and asked the Council to look at alternatives and to use common sense; urged the Council to put this on hold, as there are many unknown costs facing the City at this time.

MOTION:

Moved by Council Member Okawachi to not pursue the acquisition of the Veteran's Building and maybe consider it again for the June, 2008 election.

ON THE QUESTION:

Council Member Lieber reiterated the need for the City to continue negotiations with the Veterans and the County and noted his preference would be to put this on the upcoming ballot.

Mayor Maris stated he would like to continue to generate community interest. The City Administrator stated that staff would come back with ideas and predesign and look to see if Measure F funds could be allocated towards this project. The City Administrator noted that staff would continue to work with the community on this project.

AMENDED MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to amend the original motion to not go forward with a tax measure at this time but consider it for the June, 2008 election and to continue talking with the County and the Veterans.

AYES: Council Member Javandel, Lieber, Okawachi & Mayor Maris

NOES: None

ABSENT: None

RECUSE: Council Member Good

Motion carried and so ordered.

7. NEW BUSINESS

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

8-1. Council Meeting Summer Schedule: **July 10 & July 24, 2006**, and convene meeting(s) on July 31 or August 7, 2006, only if needed.

8-2. Special City Council meeting **Monday, July 17, 2006, 7:30 p.m.** regarding the Albany Waterfront Specific Plan Initiative and Impact Analysis Report, City initiated Waterfront planning and related items, if any.

8-3. The City Council will reconvene its regular schedule in September. The first meeting of September will be **Tuesday, September 5, 2006**, due to the Labor Day holiday.

Council Member Lieber announced that on the 4th of July he was away and attended a local 4th of July celebration and marched in a parade with the fire & safety rescues group and Veterans for Peace.

Mayor Maris announced that Albany's 4th of July celebration was great and thanked everyone who worked hard on this event.

Council Member Okawachi stated that she would like to place on the July 17th agenda a resolution regarding processing a possible development application from Caruso Affiliated that would direct staff to proceed with a waterfront visioning process and an environmental review process, both paid for by the developer.

9. ADJOURNMENT

10:10 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.

ALLAN MARIS
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK