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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1000 SAN PABLO AVENUE**  
**TUESDAY, SEPTEMBER 5, 2006**

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**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; Melinda Chinn, Recreation & Community Services Director; Ann Chaney, Community Development Director; Rich Cunningham, Public Works Manager; Jeff Bond, Planning & Building Manager; Robert Zweben, City Attorney; Amanda Bennett, Planning Clerk

**3. CONSENT CALENDAR**

**3-1.** City Council minutes, July 17 & 24, 2006.

Staff recommendation: Approve.

**3-2.** a. Ratification of City of Albany net payroll in the amount of \$159,750.29; taxes, benefits & withholdings in the amount of \$193,916.03. Total payroll in the amount of \$353,666.32. Payroll period: 05/28/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$40,656.49; taxes, benefits & withholdings in the amount of \$31,537.33. Total payroll in the amount of \$72,193.82; Payroll period: 05/26/06.

c. Ratification of City of Albany net payroll in the amount of \$168,769.34; taxes, benefits and withholdings in the amount of \$210,145.12. Total payroll in the amount of \$378,914.46. Period: 07/21/06.

d. Ratification of Albany Municipal Services JPA in the amount of \$45,824.63; taxes, benefits and withholdings in the amount of \$48,831.70. Total payroll in the amount of \$94,656.33. Period: 07/21/06.

e. Ratification of City of Albany net payroll in the amount of \$167,957.14; taxes, benefits and withholdings in the amount of \$127,069.73. Total payroll in the amount of \$295,026.87. Period: 08/04/06.

f. Ratification of Albany Municipal Services JPA in the amount of \$46,241.27; taxes, benefits and withholdings in the amount of \$33,266.15. Total payroll in the amount of \$79,507.42. Period: 08/04/06.

g. Ratification of City of Albany net payroll in the amount of \$164,549.30; taxes, benefits and withholdings in the amount of \$180,897.52. Total payroll in the amount of \$345,446.82. Period: 08/18/06.

h. Ratification of Albany Municipal Services JPA in the amount of \$45,910.47; taxes, benefits and withholdings in the amount of \$35,668.63. Period: 08/18/06.

Staff recommendation: Ratify.

- 3-3.**
- a. Ratification of bills, claims & demands against the City of Albany in the amount of \$2,380,903.61. Period: 06/30/06.
  - b. Ratification of bills, claims & demands against the City of Albany in the amount of \$17,515.91. Period: 07/01/06.
  - c. Ratification of bills, claims & demands against the City of Albany in the amount of \$223,437.09. Period: 07/16/06. (1<sup>st</sup> Run)
  - d. Ratification of bills, claims & demands against the City of Albany in the amount of \$425,523.72. Period: 07/16/06. (2<sup>nd</sup> Run)

Staff recommendation: Ratify

- 3-4.**
- a. Pension payments in the amount of \$105,242.94 for the month of July, 2006.

b. Pension payments in the amount of \$105,242.94 for the month of August, 2006.

Staff recommendation: Ratify.

**3-5.** Consideration of Claim #AL527; Leemans v. City of Albany.

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

**3-6.** Consideration of Claim #AL533; Ramos v. City of Albany.

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

**3-7.** Consideration of Claim #AL534; Ramachandran v. City of Albany.

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

**3-8.** Ohlone Greenway Lighting Improvements.

Staff recommendation: Authorize staff to enter into a consulting services agreement with WHM Incorporated, engineering consultants, for the design of the Ohlone Greenway Lighting Improvements for contract amount at \$18,000.

**3-9.** Resolution #06-53 – A Resolution of the Albany City Council Approving the Acceptance of \$500 in Funds from the Albany Lions Club Foundation and the Establishment of the William Johnson Scholarship Fund.

Staff recommendation: Approve Resolution #06-53.

**3-10.** Resolution #06-54 – A Resolution of the Albany City Council Authorizing a Maintenance Agreement with Caltrans Regarding the Bicycle Path

Staff recommendation: Approve Resolution #06-54.

**3-11.** Resolution #06-55 – A Resolution of the Albany City Council Authorizing call for bids for 2007 residential street sweeping services.

Staff recommendation: Approve Resolution #06-55.

- 3-12.** Resolution #06-57 – A Resolution of the Albany City Council Approving a Travel & Expense Reimbursement Policy in Conformance with Assembly Bill 1234.

Staff recommendation: Approve Resolution #06-57.

- 3-13.** Implementation of Codornices Creek Monitoring and Maintenance Plan.

Staff recommendation: Authorize the City Administrator to enter into a contract with FarWest Engineering in the amount of \$26,278 for monitoring of Codornices Creek pursuant to the requirements of the permitting agencies.

- 3-14.** Resolution #06-58 – A Resolution of the Albany City Council approving an Entertainment Permit for “6 Degrees on Solano” Restaurant.

Staff recommendation: Approve Resolution #06-58.

- 3-15.** Resolution #06-52 – A Resolution Authorizing the City of Albany Approval of Amendment No. 2 to the Alameda County Transportation Expenditure Plan, dated August 1986.

Staff recommendation: Approve Resolution #06-52.

- 3-16.** Update on City-initiated Waterfront Planning Consultant Selection Process.

Staff recommendation: Provided for information only.

Mayor Maris asked if anyone would like to remove an item for discussion. Council Member Lieber pulled items **3-6** and **3-10**. Council Member Okawachi pulled item **3-9**. Jean Safir, 1129 Neilson, pulled item **3-16**. No one wished to remove any other items.

- 3-6.** Consideration of Claim #AL533; Ramos v. City of Albany.

Council Member Lieber noted that the Ramos family had a child that passed away, and he extended the City’s sympathy to the family.

- 3-9.** Resolution #06-53 – A Resolution of the Albany City Council Approving the Acceptance of \$500 in Funds from the Albany Lions Club Foundation and the Establishment of the William Johnson Scholarship Fund.

Council Member Okawachi recommended that there be a thank you letter from the Mayor to the Lions Club with a copy to Ms. Johnson. Mayor Maris agreed, noting that Mr. Johnson was an incredible community activist and the actions of the Lions Club were appropriate.

**3-10.** Resolution #06-54 – A Resolution of the Albany City Council Authorizing a Maintenance Agreement with Caltrans Regarding the Bicycle Path.

Council Member Lieber was grateful that this improvement would be moving forward, because the path would be safer. He thanked the Traffic & Safety Commission, Council Member Javandel, and Community Development Director Chaney.

**3-17.** Update on City-initiated Waterfront Planning Consultant Selection Process.

Ms. Safir requested a staff report. Planning Manager Bond delivered the staff report. Ms. Safir asked whether the interview panel would have any other role, and whether they would make a decision or a recommendation. Planning Manager Bond advised they would have no other role, and they would make a recommendation to the City Council.

Lubov Mazur, Traffic & Safety Commissioner, wanted representatives from that Commission on the panel as well. Community Development Director Chaney stated she had understood that the Traffic & Safety Commissioners were comfortable with not being a part of this step in the process, because there would be plenty of involvement at other steps. Questions from the Traffic & Safety Commissioners would be included in material presented to the panel for inclusion in their interviews.

Mayor Maris asked whether there would be an opportunity for questions from the public as well. Planning Manager Bond indicated the public could ask questions at Planning & Zoning hearings, but not directly interview the candidates.

Clay Larson, Adams Street, was concerned that if Community Development Director Chaney had contacted each Traffic & Safety Commissioner individually that it could constitute a Brown Act violation. He recommended Brown Act training for all Commissioners, Committee members, and staff.

**MOTION:**

Moved by Council Member Good, seconded by Council Member Javandel to approve the Consent Calendar.

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**

Mayor Maris opened the Good of the City/Public Forum and asked if anyone would like to speak.

Ms. Mazur stated that at a previous meeting she had heard Council Member Lieber recommend a special assessment district for the residents of lower Curtis Street to

pay for repairs to the storm drain. She felt that was inappropriate; that the City should pay for those repairs. Council Member Lieber responded that he did not make a recommendation; in fact, the idea had come from local residents, but was not discussed other than the initial mention.

Ms. Safir called for Brown Act training for all Commissioners, Committee Members, and staff. She asked the City to provide a report to the residents of Albany regarding the current state of the City's disaster preparedness. She also recommended asking speakers to give their address (or City of residence).

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

## **5. PRESENTATION/PUBLIC HEARING**

- 5-1.** Vacation of Right-of-Way at 1001 Eastshore Highway, Albany. This public hearing was continued from the July 24, 2006 Council meeting.

Staff recommendation: 1) Conduct public hearing. 2) Approve Resolution #06-56 – A Resolution of the Albany City Council Ordering Vacation and Abandonment of a Portion of Eastshore Frontage Road and Authorizing the Mayor to Execute a Grant Deed.

Community Development Director Chaney reported that this was the last step of a process begun in 1999. The land to be vacated and abandoned was promised to the owners of 1001 Eastshore in exchange for right of way to construct the Eastshore/Buchanan Connection structure.

Mr. Larson asked about resolution of previous concerns: Council Member Lieber had wanted to know the value of the land, and mention in a previous staff report of the 1001 Eastshore owners not being happy with the negotiated amount. Ms. Chaney indicated that Council Member Lieber had been informed regarding the value, and that the previous staff report mention of negotiation difficulties had to do with confusion over whether the then current owners and the future (present) owners were communicating effectively with one another.

Mr. Larson recommended another "whereas" on page 2 of the resolution to capture the current meeting. He also expressed concern that the meeting may not have been properly noticed, because he believed notice had to be published in an Alameda County newspaper.

Council Member Lieber stated that he would be abstaining on the vote because prior Council had entered into an agreement and has to respect their decision; however, believes that the City lost money on the deal. Mayor Maris expressed his belief that it would be very difficult to appraise the true value of the property. However, he felt the land was not of great value to the City, and this was a good deal.

### **MOTION:**

It was moved by Council Member Okawachi and seconded by Council Member Good to approve Resolution #06-56.

**VOTE ON THE MOTION:**

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

NOES: None ABSENT: None

ABSTENTIONS: Council Member Lieber

Motion carried and so ordered.

**6. NEW BUSINESS**

- 6-1.** Council Member Lieber submitting Resolution #06-51 urging the Legislature and the Governor to Enact Senate Bill 840 – the California Health Insurance Reliability Act.

Staff recommendation: Consider Resolution #06-51.

Council Member Lieber recommendation: Approve Resolution #06-51 – A Resolution of the Albany City Council Urging the State Legislature and the Governor of California to Provide Comprehensive Universal Health Care for the People of California by Enacting Senate Bill 840 “The California Health Insurance Reliability Act.

City Administrator Pollard deferred to Council Member Lieber. Council Member Lieber explained that he felt a single-payer health insurance plan would be the solution to the problems of uninsured, underinsured, and the high costs of medical care in the country, and that this bill would be a step in the right direction.

Karen Armstead, Oakland resident, spoke in favor of the resolution. Susan Stiller, Albany resident, spoke in favor of the resolution. Diane Akers, 716 Curtis, spoke in favor of the resolution. Brian Parker, Garfield Avenue, spoke in favor of the resolution.

Sol Strand, Pierce Street, opposed the resolution.

Council Member Good opined it was inappropriate for the Council to take this sort of action. He felt it would be fine to endorse the bill as individuals, however.

**MOTION:**

It was moved by Council Member Lieber and seconded by Council Member Javandel to approve Resolution #06-51.

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

NOES: Council Member Good ABSENT: None

Motion carried and so ordered.

- 6-2.** Proposed Key Route Median Irrigation Improvements.

Staff recommendation: 1) If the Council wishes to pursue a Key Route median irrigation improvement project, it is recommended that Council: a) Authorize staff to seek a design contract, for all or a portion of these medians, to be readied upon an amendment to the fiscal year 2006-07 1988-1 Lighting and Landscaping District budget; b) Discuss with the

Albany Unified School District its involvement in this project if the median between Portland and Thousand Oaks is included. 2) That the City Council set a public hearing for October 3, 2006 to amend said 1988-1 Landscaping and Lighting budget.

Public Works Manager Cunningham reported that the medians need irrigation equipment, and that the funds may be available. In addition, it should be possible to receive cooperation from the school district and community groups to facilitate these improvements.

Gregory Hoff, 726, spoke in favor of the improvements. Steve Devine, 664 Key Route, spoke in favor of the improvements.

Mayor Maris noted that the improvements benefit more than the local residents, because Key Route is the gateway to Albany from El Cerrito, and is a main artery between that city and Solano Avenue. He felt the improvements would be a wise investment. Council Members Good, Lieber, and Okawachi agreed.

**MOTION:**

It was moved by Council Member Good and seconded by Council Member Javandel to: 1) authorize staff to seek a design contract, for all or a portion of these medians, to be readied upon an amendment to the fiscal year 2006-07 1988-1 Lighting and Landscaping District budget, and discuss with the Albany Unified School District its involvement in this project; and 2) set a public hearing for October 3, 2006 to amend said 1988-1 Landscaping and Lighting budget.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**6-3. Policy regarding the selection of the Mayor and Vice-Mayor.**

Staff recommendation: To allow public comment on the nomination and appointment of the Mayor and Vice-Mayor, as required by the Brown Act.

City Administrator Pollard reported that there had been confusion as to whether public comment should be allowed during the nomination and appointment of the Mayor and Vice-Mayor. Pursuant to the Brown Act, the public is guaranteed the right to provide testimony at any regular or special meeting on any subject.

Council Member Lieber recommended staff supply a memo to that effect to all the Commissioners and Committee members.

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

(Brief information reports from City Council Members and/or staff.)

- 7-1.** The regular scheduled City Council meeting of October 2, 2006, will be cancelled and rescheduled for **Tuesday, October 3, 2006**, in observance of Yom Kippur.

Council Member Lieber wanted to agendize Proposition 89. He noted he had attended a meeting of the Alameda Labor Council about getting Democrats elected.

Council Member Javandel reported he would be attending the California League of Cities conference.

Mayor Maris noted that the Solano Stroll would be on Sunday, September 10, 2006. The Coastal Clean-Up would be on Saturday, September 16, 2006. He also reported that Alameda County is completing its bicycle plan, which includes some Albany projects.

**8. ADJOURNMENT**

9:23 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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ALLAN MARIS  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK