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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, OCTOBER 3, 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; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Charles Adams, Finance Director; Barry Whittaker, Project Manager; Jeremy Allen, Youth Services Supervisor.

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, September 18, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$171,813.85; taxes, benefits & withholdings in the amount of

\$129,621.22. Total payroll in the amount of \$301,435.07. Payroll period: 09/01/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,151.07; taxes, benefits & withholdings in the amount of \$34,186.10. Total payroll in the amount of \$80,337.17. Payroll period: 09/01/06.

c. Ratification of City of Albany net payroll in the amount of \$193,727.33; taxes, benefits & withholdings in the amount of \$217,075.58. Total payroll in the amount of \$410,802.91. Payroll period: 09/15/06.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,737.88; taxes, benefits & withholdings in the amount of \$44,380.09. Total payroll in the amount of \$88,117.97. Payroll period: 09/15/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,015.91. Period: 08/01/06.
(File #300-40)

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,091,073.18. Period: 08/25/06.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$20,265.91. Period: 09/05/06.

d. Ratification of bills, claims & demands against the City of Albany in the amount of \$115,426.02. Period: 09/13/06.

e. Ratification of bills, claims & demands against the City of Albany in the amount of \$622,091.57. Period: 09/22/06.

Staff recommendation: Ratify.

3-5. Ratify pension payments in the amount of \$106,425.30 for the month of September, 2006.

Staff recommendation: Ratify.

3-6. Status Report on 2005-06 City Council Goals.
(File #100-30)

Staff recommendation: Accept status report on implementation of City Council 2005-06 goals.

- 3-7.** Amendment to the Professional Services Agreement with Nute Engineering to provide services for the Pierce/Cleveland Sewer Rehabilitation project beyond the original scope.
(File #600-30)

Staff recommendation: Authorize the City Administrator to execute an amendment to Contract #04-11 between Nute Engineering for an additional \$14,261 to compensate for design services involving the Pierce/Cleveland Sewer Rehabilitation project beyond the original contract amount of \$21,000.

- 3-8.** Resolution #06-61 – A Resolution of the Albany City Council Authorizing the Submission of a California River Parkways Grant in the amount of \$2,100,000 to the California Resources Agency for Phase 3 (from 6th Street to 8th Street) of the Codornices Creek Restoration and Trail Project.
(File #405-40)

Staff recommendation: Approve Resolution #06-61.

- 3-9.** Resolution #06-62 – A Resolution of the Albany City Council Authorizing the City of Albany to Transfer Ownership of a 1990 Dodge Panel Van to the Las Positas College Administration of Justice Program.
(File #350-10)

Staff recommendation: Approve Resolution #06-62.

- 3-10.** Resolution #06-63 – A Resolution of the Albany City Council Adopting Revised California Environmental Quality Act Implementing Procedures.
(File #400-20)

Staff recommendation: Approve Resolution #06-63.

- 3-11.** Resolution #06-64 – A Resolution of the Albany City Council Authorizing Execution of a Regulatory Agreement and Declaration of Restrictive Covenants – Inclusionary Housing (Affordable Housing Agreement) for 727 San Pablo Avenue.
(File #600-30 & 430-70)

Staff recommendation: Approve Resolution #06-64.

- 3-12.** Reglazing of the Stair Tower windows at the Albany Community Center Contract #06-21.
(File #600-30)

Staff recommendation: Make a finding that: 1) No bids were received for the subject work. 2) Per the City Charter, the City has satisfied the requirements for public bidding. 3) Authorize staff to negotiate directly with a contractor and hire same to perform the proposed work of contract #06-21 (reglaze 12 existing Stair Tower windows and repair the drywall and paint therein).

- 3-13.** Liability coverage for selected artists to install public art, as part of the Parks renovation project.
(File #170-30)

Staff recommendation: Authorize the extension of coverage under the City's liability program to selected artist(s) for the installation of public art, as part of the renovation projects at Memorial, Ocean View and Terrace Parks, subject to City requirements.

Mayor Maris asked if anyone would like to remove an item from the Consent Calendar. The following items were taken off the Consent Calendar for discussion: 3-5, 3-9 & 2-12.

3-5. City Council Goals

Mayor Maris stated that this would be his last time to comment on the City Council goals, as he would no longer be on the Council due to term limits. Mayor Maris commented on the following goals: Government Transparency – encouraged citizens to become informed and noted the various ways the City notifies people: Cable TV, Website, US mailings. Green Building Codes – urged the Council to pass this Ordinance and stated the City needs to make a serious commitment to pass the green building codes and sustainable buildings. Waterfront area – noted the City has a good start on the planning process and also mentioned the dedication of the Eastshore State Park. Pierce Street Park – would like to see this issue resolved and noted the availability of funding for the bicycle trail around I-80. Measure C – noted how important this measure is and urged everyone to vote for it.

Council Member Okawachi asked a question on page 2, item 12 Terrace Park and asked when the portable bathrooms would be delivered. The Project Manager noted that they were installed three weeks ago when the building was torn down.

3-9. CEQA Procedures

The Planning Manager stated that he handed out a correction to the staff report with changes redlined in the document and noted this document needs to be approved, as modified.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel to approve the Consent Calendar as submitted with the change to Item 3-9.

4. CONSENT CALENDAR

VOTE ON THE MOTION:

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.

Mr. Mark Evangealides, Albany resident, thanked the City for putting up the street sweeping signs on Pierce Street. However, noted that they were only installed on the eastern side and not the west side where all the casual car pool cars are parked.

Mr. Evangealides also asked when the potholes on Pierce Street would be repaired noting that six months ago City staff came to a Bayside Association meeting and stated they would be fixed.

The City Administrator stated that staff would get back to Mr. Evangealides with an answer to his questions.

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

5. PRESENTATION/PUBLIC HEARING

6. UNFINISHED BUSINESS

6-1. Street Closure – Streets Leading to El Cerrito Plaza
(File #420-30)

The Community Development Director reported that on April 17, 2006, the City Council held a public hearing to consider a recommendation from the Traffic & Safety Commission to initiate a General Plan amendment and prepare an EIR regarding the closure of all four streets leading to El Cerrito Plaza (Kains, Cornell, Talbot & Evelyn).

Council subsequently approved Resolution #06-17 and during the discussion there was reference to traffic calming measures, in lieu of street closure, alternatives for the 500 block of Kains to mitigate potential increases in traffic on that neighborhood but no direct reference to whether the 400 block of Kains would remain open or closed. As a result, staff understood the motion, as initiating a General Plan amendment to close all four streets.

However, during the meeting of May 15, 2006, Council Member Lieber corrected the April minutes to change the 500 block to the 400 block of Kains. Due to the possibility of confusion staff believed this item should come back to Council for clarification.

Council Member Lieber stated that to make it clear that with the partial closing of Kains the 500 block would become two-way with a right turn off of Brighton.

6-1. Street Closure – Streets Leading to El Cerrito Plaza

The following people spoke on this: Ms. Maureen Crowley, Albany resident; Ms. Lubov Mazur, Traffic & Safety Commission; Mr. Ed Fields, Albany resident; Mr. Ray Anderson, Traffic & Safety Commission.

A summary of the comments is as follows: Believed that Council Member Lieber should recuse himself from the discussions, as he lives on Kains. Asked that speed bumps, residential parking and 90-minute parking be initiated. Noted that the Traffic & Safety Commission voted to have all the streets closed. Asked that either all the streets be closed or leave them all open. Asked what mitigations were being proposed for Kains. Noted that having the streets closed is much safer for the school children in that area.

Council discussed this and agreed that staff's recommendation is correct and noted that it is important to consider traffic calming measures in place before the streets are closed.

MOTION:

Moved by Council Member Good, seconded by Council Member Javandel to approve staff's recommendation, as follows: 1) Confirmation of prior action initiating an Amendment to the Circulation Element of the General Plan and authorizing an environmental review for the following proposed project: Closure of Cornell, Talbot and Evelyn Avenues, at Albany's northern border, with the 400 block of Kains Avenue to remain open. 2) Authorize that the environmental review document evaluate: a) partial closure of the 500 block of Kains Avenue at the northerly end; conversion to two-way traffic with adequate access for emergency vehicles and trucks such as garbage trucks and b) traffic calming measures as an alternative in lieu of street closure.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Cable Casting Policy

(File #1050-60)

The Assistant City Administrator reported that in February, 2006, the Waterfront Committee requested that the Council approve televising Waterfront Committee meetings when significant items are on the agenda. This issue was referred to the Social & Economic Justice Commission (SEJC) for an overall policy recommendation regarding Cable casting of Board, Commission and Committee meetings.

The SEJC's recommended policy involved a variety of considerations, including the desire for open and transparent government, current technical limitations, and the importance of certain issues at this time, in particular the Waterfront Planning Process and the restraints of the costs and available staff time.

Following is a summary of the SEJC's recommendation: 1) Cable cast all Waterfront related Commission meetings. 2) Cable cast all Planning & Zoning Commission meetings. 3) Allow other Commissions to request that two meetings be cable cast and more per the procedures recommended. 4) Have DVDs or VHS tapes available at the Albany Library for checkout and have them available for purchase at City Hall. 5) Pursue funds needed to make additional venues possible, and to provide staff for

6-2. Cable Casting Policy

operational needs, including coordinating the use of volunteers, particularly from Albany High School.

The Assistant City Administrator submitted staff's recommendation, as follows: 1) Approve cable casting of City Waterfront Planning Process meetings. 2) Direct staff to assess the need for a telecommunications coordinator to assist the City in meeting needs for increased public information via Cable TV, Internet and other related telecommunications means. 3) Upon the establishment of necessary staffing and budget resources, and in conjunction with the City's existing Cable broadcast policy, approve the SEJC recommendations on the cable casting of City meetings, and explore the feasibility for enhancements in the City's web site, cable channel and related telecommunications services.

Council Member Lieber stated that he commends the Commission for their work on this issue and agreed that a priority should be to have the Waterfront issues televised. Also concurred with the recommendation to have DVDs and VHS recordings available to the public.

Council Member Lieber recommended that this issue be sent to the Cable Ad Hoc Committee for their review and comments.

Council Member Javandel stated that he agreed with having recordings available on DVD or VHS. Council Member Javandel noted that he likes the recommendations presented by the Commission and the staff recommendations are sensible to assess the City's ability.

Council Member Javandel also agreed that this matter should be referred to the Cable Ad Hoc Committee.

Council Member Okawachi agreed with staff that additional staffing is necessary and to also encourage volunteer help.

Mayor Maris noted that the Cable Ad Hoc Committee has done great job in getting the City set up for cable casting. Mayor Maris stated that he wasn't sure that all the Planning & Zoning Commission meetings should be televised; however, would like to see the School Board meetings televised and urged the City staff to work with the School District on this. Mayor Maris commented that he would like to see the High School students involved with the televising of public meetings.

Ms. Peggy Thomsen, Chair SEJC, stated that the Commission is aware of the various costs involved and the interest in having DVDs and VHS tapes available for the public.

The following people spoke on this issue: Ms. Sally Outis, Albany resident; Mr. Alan Riffer, Albany resident; Mr. Francesco Papalia, Albany resident.

A summary of the comments is as follows: Asked about off-site meetings and the capability to record. Asked how many homes in Albany have cable and whether there is any access if someone has a satellite. Asked about the possibility of web casting.

The Assistant to the City Administrator responded that the City has the technical ability to record off-site and then play the tape on the access channel, as was done for the Police Chief's swearing-in. The Assistant to the City Administrator stated that 40-50% of the residents have cable and there was no public access for satellite users and the City was looking into web casting, which has capital and ongoing costs.

6-2. Cable Casting Policy

The Youth Services Supervisor spoke to the logistical problems with copying DVDs with the City's current equipment. The Youth Services Supervisor reminded everyone that the City is celebrating the 1st anniversary of cable casting and gave credit to Elizabeth Quintor for her help.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to approve staff's recommendation and #4 of the SEJC recommendation, which is to move forward with the purchasing of equipment that will copy DVD's and to have them available at the Library and for purchase at City Hall. Also asked that this issue be referred to the Cable Ad Hoc Committee for a report back to Council.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-3. Unaudited Financial Statement

(File #330-20)

The Finance Director stated that the report is very favorable in that the City's Unrestricted General Fund balance increased \$219,405. The increase in reserves will provide improved assurance of the financial stability of the City.

Total General Fund revenues were \$12.9 million, which were \$1.1 million greater than the budget and \$1.2 million greater than the prior fiscal year. Revenues from property taxes increased 15.6% over the prior year, yielding a favorable budget variance of \$572,000. Earnings on investment of reserves and General Fund operating cash balances from a low of 2.8% in the first quarter to 4.5% for the final quarter of the fiscal year. As a result of the increased rate of return and an increase in funds available for investment, earnings were \$262,000 greater than budgeted. Another major component of the excess of actual revenue over budget was "Other Revenue". The budgeted revenue was \$229,000 and the largest single revenue received, but not budgeted, was the reimbursement for \$102,000 for wages and expenses for two firefighters/paramedics assigned to Hurricane Katrina Disaster Relief.

Total General Fund expenditures were \$471,000 less than the budget and \$226,000 (2%) greater than the prior year. Savings of salary and benefits costs from vacant positions, mainly in the Police Department, were \$555,000. These savings were partially offset by increased overtime costs of \$116,000. Professional services expense was \$395,000 greater than the budget. Insurance costs were \$258,000 less than the budgeted amount but this resulted from recasting the expenditures of \$366,000 as transfers from the General Fund to Insurance Reserve Funds.

Transfers-out from the General Fund, not included in the adopted budget, include: \$350,000 set aside for the City-initiated Waterfront Planning Process, \$500,000 reserved for capital project expenses and \$150,000 reserved for equipment replacement and acquisition.

The following people commented on the report: Mr. Clay Larson, Albany resident; Mr. Alan Riffer, Albany resident; Ms. Sally Outis, Albany resident.

6-3. Unaudited Financial Statement

A summary of the comments is as follows: Asked that the Franchise Fee appear on the report as one total fee. Asked questions regarding the Waterfront Planning Process and the Insurance Reserve Funds. Asked if the \$400,000 in the professional services included the fee for the consultant on the Election Code 9212 report for the Initiative? The City Administrator responded that yes it did.

Council Member Lieber stated that he is pleased to note that projections show no budget deficit for Fiscal Year 2007/08 and that the City has \$2.5 million in unrestricted reserves.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Lieber to accept the unaudited financial report for the fiscal year ended June 30, 2006 and approve the updated schedule of interfund transfers.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-4. City Signage: Buchanan Medians

(File #820-100)

The Assistant City Administrator stated that based on Council direction in July, 2005 and March, 2006 staff has pursued signage options for the Buchanan medians. The City is working with an Albany resident who has worked extensively (on a volunteer basis) with the City designing brochures, pamphlets and other public relations materials.

Submitted for Council review are a series of proposed designs for banners along the Buchanan median, which could either be metal or fabric. Preliminary estimates indicate a potential cost of \$10,000-\$15,000 for fabric banners and \$25,000-\$35,000 for metal cutouts.

Council Member Javandel stated that he believes the metal cutouts would be more durable.

Mayor Maris asked if the proposed banners were going to be referred to the Arts Committee for their review and recommendation.

Mayor Maris stated that he would like to see a banner or metal cutout of a child holding a book with a soccer ball and also mentioned that he would like to see a different logo and City seal.

Council Member Okawachi stated that she would also like to see some banners along Solano Avenue.

Mr. Alan Riffer and Mrs. Lubov Mazur both spoke on this and made suggestions: Have a banner with a dog on a leash and one with a dog without a lease. Objected to the dog banner/cutout noting that during the beach cleanup the beach was full of dog defecation.

Council Member Lieber asked staff to look at anodized cutouts, as they are lighter and more durable.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Good to direct staff to proceed with the proposal for the metal cutout and to return to Council for the next step and cost.

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

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**

Mayor Maris reported on the following events: 1) Sports JPA are meeting with the Emeryville City Council regarding approval of the #3 JPA agreement. 2) Teen Café meeting on October 6, 2006. 3) 2x2x2 meeting discussed traffic concerns around the schools, in particular the Middle School and Ocean View. 4) Discussed the new bike lane on Buchanan noting there are funds available from Congestion Management Authority if the State Bond passes. 5) The Albany School District is joining the City on the median work; 6) Noted that the School District passed a Resolution of Support for Measure C. 7) Noted there will be a traffic study on the area of I-80 between Highway 4 and the Bridge Interchange. 8) Attended the Integrated Pest Management meeting where 3 consultants made presentations and noted only one member of the public attended. 9) Announced that on October 4, 2006, there will be dedication on the Eastshore State Park. 10) Announced the meeting October 4 regarding the Waterfront Planning Process and the selection of consultants. 11) Announced that on October 9, there will be a Disaster Preparedness meeting. 12) Announced a meeting on October 12 at Davis between cities and UC's to work on building a good relationship. 13) Announced that on October 14th the Fire Department will have an Open House. 14) Spoke to the budget and funds used for graffiti removal and urged people not to destroy property. 15) Asked for an agenda item on a new City motto. 16) Asked that the idea of a Peace Day be referred to the Social & Economic Justice Commission.

Council Member Javandel reminded everyone that the Fire Department sells disaster preparedness kits and showed a vest that he purchased at the League of California Cities that held emergency supplies.

Council Member Lieber asked for a future agenda item to look at selecting a new City seal.

Council Member Okawachi announced a fundraiser for the Albany Police Activities League (APAL) on October 24th, between 10:30 a.m. and 9:00 p.m. at Rubio's Restaurant, at El Cerrito Plaza, and that 20% of the transaction will be donated to APAL.

9. ADJOURNMENT

10:20 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

9. ADJOURNMENT

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

ALLAN MARIS
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK