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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, OCTOBER 16, 2006

7:00 p.m. – 7:45 p.m.

WORK SESSION

A Work Session conducted by the City Attorney on the Brown Act with the City Council and various Board/Commission/Committee Members: 1) Presentation by the City Attorney. 2) Questions and Answers segment. 3) Public comment.

7:55 p.m.

Albany Municipal Services JPA (see separate agenda)

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; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Ed Phillips, Zoning Consultant; Amber Curl, Assistant Planner.

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, October 3, 2006.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$178,925.15; taxes, benefits & withholdings in the amount of \$137,815.73. Total payroll in the amount of \$316,740.88. Payroll period: 09/29/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,037.65; taxes, benefits & withholdings in the amount of \$33,745.83. Total payroll in the amount of \$78,783.48; Payroll period: 09/29/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$227,948.92. Period: 10/09/06.

b. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$334.78. Period: 10/09/06.
(File #300-40)

Staff recommendation: Approve.

3-4. Contract with the Albany Little League for maintenance of Memorial and Ocean View fields.
(File #600-30)

Staff recommendation: Authorize the City Administrator to enter into a new contract with the Albany Little League for maintenance of Ocean View and Memorial fields for the period from November 1, 2006 through June 30, 2007.

3-5. Ordinance #06-012 – An Ordinance of the Albany City Council Authorizing an Amendment to the Contract Between the Albany City Council and the Board of Administration of the California Public Employees’ Retirement System. Second Reading – Pass-to-Print.
(File #720-60)

Staff recommendation: Approve Ordinance #06-012 for Second Reading Pass-to-Print.

- 3-6.** Resolution #06-65 – A Resolution of the Albany City Council In Honor of Ronald Hein On His Retirement From Service As a Reserve Police Officer With the City of Albany.

Staff recommendation: Approve Resolution #06-65.

- 3-7.** Resolution #06-66 – A Resolution of the Albany City Council In Honor of Jeffrey Nelson In Recognition Of His Selection As Reserve Officer of the Year for 2006.

Staff recommendation: Approve Resolution #06-66.

Mayor Maris asked if anyone would like to remove an item from the Consent Calendar for discussion. Council Member Lieber removed item 3-1 and Mayor Maris removed item 3-7.

3-1. Council minutes, October 3, 2006.

Council Member Lieber stated that he would like to make the following – corrections to the minutes of October 3, 2006: Item 6-3: 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 a \$2.5 million in unrestricted reserves. Item 6-4: Council Member asked staff to look at anodized cutouts, as they are lighter and more durable.

3-7. Resolution #06-65 & #06-66

Mayor Maris noted that both these Resolutions pertain to Reserve Police Officers and noted that the Reserve Officers do a lot for the City with little compensation.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar, as corrected.

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.

The following people spoke about the City’s Finance Campaign Act and the need to enforce violations. A letter was sent to the City Attorney regarding an alleged violation made by Concerned Albany Neighbors (CAN) who made contributions to the Caryl O’Keefe and Francisco Papalia campaigns, which are in violation of the City’s Ordinance. The City Attorney responded that he will not do an investigation unless directed by the City Council: Mr. Brian Parker, Albany resident; An unidentified person, Albany resident; Ms. Ann Guess, Albany resident; Mr. Peter Haas, Albany resident; Mr. Ken Shapiro, Albany resident; Ms. Caryl O’Keefe, Albany resident; Mr. Sol Strand,

Albany resident; Mr. Francisco Papalia, Albany resident; Ms. Sally Douglas, Albany resident; Ms. Marsha Atkinson, Albany resident; Mr. Bill Dann, Albany resident; Ms. Nan Wishner, Albany resident.

A summary of comments is as follows: That the City Attorney should be directed to investigate the allegations; disappointed by the response from the City Attorney; concerned about the comments made regarding gambling and noted the City is protected by Measure C; concerned about the literature put out by CESP and the comments made about candidates and gambling; noted that CAN was established to oppose the Initiative; comments were made about the various campaign literature being distributed around the City; concerned about a letter from Golden Gate Fields and their support of Council Candidates O'Keefe and Papalia; concerned about Magna's involvement in the City election; asked that everyone focus on what is best for the City; noted that every effort is being made by the O'Keefe campaign to follow the City's Campaign Ordinance; concerned that this issue is being used to obscure the real issues.

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

5. PRESENTATION/PUBLIC HEARING

5-1. Proclamation Honoring the Late Golden Gate Fields Champion Racehorse – *Lost In the Fog*

Mayor Maris introduced Peter Tunney, Golden Gate Fields and Harry Aleo, owner of *Lost In The Fog* and read the Proclamation, which honored the late Golden Gate Fields Champion Racehorse.

Mr. Aleo thanked the City Council for honoring *Lost In The Fog* noting it was very sad to lose his horse to a rare form of cancer.

5-2. Ordinance #06-014 – Amending the Zoning Map

Council Member Lieber recused himself, as he lives across the street from the proposed rezoning and left the Council Chamber.

The Planning Manager reported that the 1992 General Plan lowered the allowable density of three residential areas – the east side of Kains Avenue, the west side of Adams Street and 535 and 545 Pierce Street, with the result that the higher-density zoning for those area has been out of compliance with the General Plan, contrary to the requirements (of both state law and Municipal Code) for consistency between the Zoning Ordinance and the General Plan.

Changes of zoning for consistency purposes were discussed (and reviewed under CEQA) during the Zoning Revision that culminated in 2004; however, action on these zoning map changes were deferred until the City had adopted language assuring that non conforming residential units could be re-built if they were involuntarily destroyed.

The process of completing the proposed zoning map changes is butting up against the possibility of the passage of Proposition 90 on the November State ballot. Proposition 90 is an Initiative that in addition to limiting eminent domain, provides that private property shall not be taken or damaged for private use and that damage to private

5-2. Ordinance #06-014 – Amending the Zoning Map

property includes government actions that result in substantial economic loss, including but not limited to the down zoning of private property.

The passage of Proposition 90 could pose an obstacle to the orderly completion of the proposed zoning changes by potentially exposing the City to onerous costs for compensation for damages of private property, if such zoning changes do not become effective prior to November 8, 2006.

The Planning & Zoning Commission held a public hearing in October and adopted Resolution PZ06-02 in support of the rezoning. Staff is recommending that this Ordinance be passed as an Urgency Ordinance due to the timing of the November election.

Project Description: Kains Avenue, East Side: The current zoning designation is “R-2 Residential Medium Density” and the Albany General Plan designates the affected properties as “Medium Density Residential”.

Adams Street, West Side: The current zoning designation of the affected properties is “R-3 Residential High Density and the Albany General Plan designates the affected properties as “Medium Density Residential”.

Pierce Street, 500 Block: The proposed zoning designation is “R-3 Residential Towers” and the proposed zoning designation is “R-3 High Density”. This does not include the property at 555 Pierce, which will remain “R-4 Residential Towers”.

Nonconformity on Kains and Adams: Most of the apartment buildings along the east side of Kains and the west side of Adams were built prior to 1978 zoning changes and are currently nonconforming with R-3 standards, including density and parking. With the change to R-2, only two properties, one at 641-645 Kains and the other at 746 Adams, would become newly nonconforming. These properties would be protected by the nonconforming exemption for residential buildings. Along the affected parts of Kains and Adams, all buildings appear to comply with the 35-foot height limit.

Pierce Street Building Height: The condominiums at 535 and 545 Pierce were legally built to include three and four story buildings over parking that do not meet the 35-foot height limit of the R-3 district. Residents spoke on the need for certainty that there would be no possibility of a future interpretation that would prevent reconstruction to the prior state in the event of a disaster.

The Planning & Zoning Commission discussed two options: Option 1: Amend the nonconforming section of the Zoning Ordinance, Subsection 20.44.050, paragraph D, to incorporate the following changes: including height and conformation of buildings. Option 2: Do not rezone the Pierce Street properties; let them remain R-4. Instead, for purposes of consistency amend the General Plan to include the 535 and 545 in the Residential Towers category with Gateview at 555 Pierce Street. Option 3: For the two Pierce Street properties, create a special sub-category of the R-3 Medium Density District by combining R-3 with an overlay district that would avoid making the properties nonconforming on account of their existing height, while reconciling the Zoning and General Plan with respect to density. Option 3.1: Upon a closer reading of the text for the Hillside Overlay District, staff concluded that this overlay is specifically tailored to the single-family area of Albany Hill north of Washington Avenue, plus a medium density block along upper Jackson Street. While there is provision for variation on the

5-2. Ordinance #06-014 – Amending the Zoning Map

strict height limits (40 feet overall, and 28 feet above street level on a downhill lot), it would require a discretionary decision by the City to allow reconstruction of taller buildings in the event of a disaster. For this reason the H Overlay does not appear to satisfy the needs of the Pierce Street condominium owners. However, it would be possible to create a new overlay district, just as the City did at several specific locations along San Pablo Avenue in the 2004 Rezoning Revision.

The Planning Manager recommended that Council create a new overlay zone, as staff believes this fulfills the objection of Option 3 endorsed by the Planning & Zoning Commission:

1. Amend Section 20.16.080, Overlay Districts, to include the following text: “7. Planned Residential Overlay District (“: PR”): The Planned Residential Overlay District is intended to be compatible with large-scale residential developments, which are characterized by certain variations in development standards, including building height, that have been or may be approved by the City through a conditional use permit or a Planned Unit Development process, while maintaining compliance with the density standards of the General Plan and the underlying residential zoning district.”

2. Amend Section 20.24.030, Overlay District Regulations, to include the following text: “H. Planned Residential Overlay District (“: PR”): 1. Maximum Building Height. Maximum height shall be as provided in Subsection 20.24.020 for the underlying zoning district, except that the Planning and Zoning Commission may make variations through approval of a conditional use permit pursuant to Subsection 20.100.030 or a Planned Unit Development procedure pursuant to Subsection 20.100.060. 2. Other Development Standards. Development standards provided in Subsection 20.24.020 for the underlying zoning district shall be applicable, except that the Planning and Zoning Commission may make variations through approval of a conditional use permit pursuant to Subsection 20.100.030 or a Planned Unit Development procedure pursuant to Subsection 20.100.060.”

The Planning Manager noted that the Planning and Zoning Commission has found that the proposed zoning changes were addressed in the documents leading to the adoption of a Mitigated Negative Declaration on the Zoning Revision, on November 15, 2004, and that no further environmental review is required. Similar findings are written into the draft Ordinance for Council adoption.

Mayor Maris opened the public hearing and the following people spoke: Mr. Mark Evangelides, President Bayside Commons; Ms. Maureen Crowley, Albany resident; Mr. Jack Rosano, Albany resident; President Board of Directors, 545 Pierce Street; Ms. Kristina Osborne, Albany resident; Jenna?, Albany resident; Mr. Alan Riffer, Albany resident; Ms. Pat Lichter, Albany resident.

A summary of the comments is as follows: Expressed concern for the current language and the uncertainty of whether the building could be rebuilt the same height if a disaster occurred; noted that Proposition 90 would be a serious concern if passed by the voters and believes it very important that the Zoning and General Plan mesh; asked that any language regarding Pierce Street be deleted; stated that many residents carry earthquake insurance, which is expensive and would be useless if the proposed language is adopted; noted that this language is good for the Kains area but expressed concern

5-2. Ordinance #06-014 – Amending the Zoning Map

about the residents on Pierce Street not being able to rebuild to current height; asked if Pierce Street could be taken off the table at this time and approve everything else and bring Pierce Street back to Council at the next Council meeting; urged the City to leave Pierce Street as nonconforming R-3.

There being no one else wishing to speak Mayor Maris closed the public hearing.

Council Member Javandel stated that the main issue is with Pierce Street and allowing the residents to rebuild to current height if a disaster occurred and stated he would like language inserted to alleviate this problem.

The City Attorney asked for a recess so that staff could confer and come back with proposed language.

9:25 p.m. – Council recessed

9:30 p.m. – Council reconvened

The Planning Manager stated that staff has come up with the following language change: Page 5 of Ordinance #06-014, line 9: #7: Planned Residential Overlay District (“:PR”): add “is intended to be compatible. Line 24: “H. Planned Residential Overlay District (“:PR”): add: “No new conditional use permit shall be required for reconstruction of buildings existing prior to October 16, 2006.” Line 37: Other Development Standards: add: No new conditional use permit shall be required for reconstruction of buildings existing prior to October 16, 2006.”

Council Member Javandel introduced as an Urgency Ordinance, which requires a 4/5 vote of the City Council: Ordinance #06-014 – An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning, of the Albany Municipal Code.

MOTION:

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Javandel and seconded by Council Member Okawachi to approve as an Urgency Ordinance #06-014 with modifications, as noted above.

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

NOES: None

ABSENT: None

RECUSED: Council Member Lieber

Motion carried and so ordered.

5-3. Appeal of Planning & Zoning Commission to Locate Bright Star Montessori School at 1370 Marin Avenue

(File #450-50)

The Planning Manager reported that the applicant, Bright Star School, is requesting a conditional use permit to allow a preschool and daycare to operate at the site and daily activities will be conducted both indoors and outdoors. The applicant would like the conditional use permit to allow the attendance of 55 children, which would require four employees on-site at any one time. A parking waiver is also requested to reduce the required on-site parking spaces from nine to zero.

5-3. Appeal of Planning & Zoning Commission to Locate Bright Star Montessori School at 1370 Marin Avenue

The Planning & Zoning Commission held a public hearing on this matter and granted a parking waiver for seven parking spaces to allow two on-site parking spaces where nine are required. The Commission granted the waiver because they believe that it would be safer to not have cars accessing the site and because they believe that the outdoor space is more valuable as play area than two parking spaces.

The Planning & Zoning Commission modified the noise mitigation of a six-foot sound wall, reducing the required height to four feet. The change in the mitigation to four feet aligns the height to the height required by California Child Care Licensing Regulations, and thereby avoided the need for a variance to allow a six-foot fence in the front yard property. It should be noted that the Commission expressed a concern about the ability to make the necessary findings associated with a variance.

The Planning Manager noted that Deidre Greene and Maria Riggo filed an appeal on September 26, 2006. There are two principle elements in the appeal: issues with respect to the California Environmental Quality Act (CEQA) review of the application and associated conditions of approval; and the findings associated with the conditional use permit.

The appellants believe that the City cannot make the findings necessary to approve a use permit. In considering this appeal, the City Council has discretion in weighing the factual basis in support of the findings against the factual basis to deny the use permit. The factual basis in support of the proposed use could be General Plan policies in promoting childcare facilities in the City, the information provided in the Initial Study and Mitigated Negative Declaration and the conditions of approval.

An appropriate factual basis for not making the necessary findings could be that the proposed intensity of use requires a waiver of state licensing requirements regarding the number of children outdoors at any one time or that the facility does not meet child care facility programmatic standards.

The Planning Manager stated that the Planning & Zoning Commission determined that the proposed preschool and daycare is suitable and desirable for the proposed location and has the required findings to support approval of the Conditional Use Permit and Parking Waiver. Based on the concerns in the appeal, staff recommends that the City Council affirm, with modifications, the action of the Planning & Zoning Commission in the approval of the Mitigated Negative Declaration and Conditional Use Permit #06-035 for Bright Star School located at 1370 Marin Avenue.

Council Member Javandel asked a question on the pickup/drop-off and how much overlap there is between Marin School and the proposed Bright Star School? The Planning Manager responded that it is anticipated there will be a 15 minute staggered start time to avoid a lot of confusion.

Mayor Maris opened the public hearing and said that he would like the Appellant to speak first and then the Applicant. After those opening remarks he would open up the meeting to the public.

Ms. Maria Riggio, Appellant, stated that she is strongly opposed to this school and is very concerned about the increased traffic and the safety of the children. Ms.

5-3. Appeal of Planning & Zoning Commission to Locate Bright Star Montessori School at 1370 Marin Avenue

Riggio noted that currently she cannot get out of her driveway due to cars blocking it and believes the proposed school will make the situation even worse.

Ms. Riggio turned over her time to Ms. Christina Radcliffe, Albany resident, who noted she also is strongly opposed to the Bright Star School reiterating the dangerous traffic situation that currently exists. Ms. Radcliffe believes that the initial study is flawed and cited noise and traffic impacts and noted that findings cannot be made for the Conditional Use Permit. Ms. Radcliffe also stated that she believes the CEQA document is also flawed and that this project is too intense for the location.

Ms. Swarna Matz, Director of Bright Star School, stated that the school would love to stay in their current location, however, the School District has not renewed the lease. Ms. Matz stated that 70% of the students are from Albany and the majority of the parents either walk or bicycle the students to school. Ms. Matz noted that both the Planning & Zoning Commission and the Traffic & Safety Commission voted in favor of the school and location. Ms. Matz stated that the pickup/drop-off time is not the same as Marin School. Ms. Matz urged the Council to uphold the decision of the Planning & Zoning Commission and Traffic & Safety Commission.

The following people spoke on this application: Ms. Lizette Chapman, Bright Star parent; Karen ?, Albany resident; Deidre Green, Albany resident; Juanita ?, Albany resident; Joanna Pollark, Albany resident; Bright Star School parent; Teacher at Marin School; Jamie Fast, Teacher Bright Star School; Lisa Swan, Bright Star parent; Wendy Roth, Bright Star parent; Stephanie Markee, Bright Star parent; Stefan Harmon; Caroline Leman, Albany resident; Dan ?, Bright Star parent; Debbie Essex, Albany resident; Gary?; Miriam Rothchild, Principal Marin School; Dianne McNenny, Albany resident; John Monteggo; Bob Nichols, Albany resident; Dana Milner, Albany resident; Teresa Martin, Albany resident; Glen Elder, Albany resident; Ray Anderson, Traffic & Safety Commission; Karen ?; Evan Flavell, Planning & Zoning Commission; Tony ?, Bright Star School parent; David Greensfelder, Albany resident; Lonnie Gentry, Bright Star parent.

A summary of the comments is as follows: Bright Star School users want to be good neighbors and get along with the neighborhood residents; unsafe traffic conditions; wrong use of this property; bad for Albany if Bright Star School is not allowed at the location; majority of the parents at Bright Star School walk or bike to school, therefore, will not have a big impact on the traffic; concern expressed about children getting hit by cars and noted that one child was hit a few weeks ago; expressed concern about finding a good preschool in this area; concern about the speed of traffic and the intersection, which encourages the fast speeds; noted that the issue of traffic safety is a City problem and not a Bright Star School problem; concerned about the insufficient playground space; believe the property is nonconforming; opposed to the special conditions and variances and believe it will influence the character of the neighborhood; urged the Council to reverse the decision of the Planning & Zoning Commission; concerned that the number of children are going to be doubled; noted that the Traffic & Safety Commission will work to improve the Santa Fe/Marin area; noted that the traffic problems need to be solved whether Bright Star School is approved; reminded Council that approximately 6 years

5-3. Appeal of Planning & Zoning Commission to Locate Bright Star Montessori School at 1370 Marin Avenue

ago the Council made a policy that Albany would be “child care first”; would like the Director of Bright Star School to speak with all the residents of the area.

The Director Bright Star School stated she would the Council to consider their pledge that they will work with Marin Avenue community and would invite someone from the City to work with them.

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

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to extend the Council Meeting half an hour.

Motion carried and so ordered.

Council Member Javandel asked whether there would be an annual review of the Conditional Use Permit and the Planning Manager responded there is a review scheduled for the summer of 2007.

Council Member Lieber expressed concern that there is not enough daycare/preschool locations in the City and does not want to lose Bright Star School, as they are a valuable asset to the community. Admitted that there are traffic concerns and pledge to support any improvements recommended by the Traffic & Safety Commission.

Council Member Lieber noted that he believes this project will not make a huge difference and will not make the situation more dangerous. Also he could not vote against the project because motorists drive badly and is inclined to uphold the decision of the Planning & Zoning Commission and the Traffic & Safety Commission.

Council Member Okawachi stated that Bright Star School has been a good neighbor to the residents in its current location. However, is concerned about the lack of playground space at the facility. Would also like to hear from the Traffic & Safety Commission in the future about the traffic problems in this area. Council Member Okawachi noted that the City needs good childcare.

Council Member Good agreed with other speakers that although the City needs childcare this is not the best location.

Mayor Maris noted that Ocean View School had many of the same problems regarding traffic and they have started using parents who volunteer to help the children around the school area and crossing the street. Would like to see the Conditional Use Permit revisited each year and the meetings within the community more frequent. Mayor Maris noted that he does support the decision of the Planning & Zoning Commission.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Okawachi to uphold the decision of the Planning & Zoning Commission with staff’s modifications and the following language added: Increase the number of meetings within the community to at least three within the first 6 months and that there is a yearly review of the Conditional Use Permit.

ON THE QUESTION:

The Planning Manager noted that the applicant has to cooperate with the Traffic & Safety Commission and their recommendations must be adhered to.

5-3. Appeal of Planning & Zoning Commission to Locate Bright Star Montessori School at 1370 Marin Avenue

VOTE ON THE MOTION:

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

NOES: Council Member Good ABSENT: None

Motion carried and so ordered.

Council Member Javandel noted that the Traffic & Safety Commission has been working on the traffic issues at Marin School for a longtime. Council Member Javandel stated that he recognizes the challenges that the parents have but ultimately it is the safety of the children that counts.

5-4. Landscaping & Lighting Assessment District No. 1988-1
(File #360-20)

The Community Development Director reported that on June 19, 2006, the City Council held a public hearing and approved the Landscaping & Lighting Assessment District (L&LAD) budget and Assessment and Levying Assessment for L&LAD No. 1988-1 for Fiscal Year 2006-07.

During that hearing, Council asked staff to evaluate the possibility of funding the Key Route Median project through L&LAD No. 1988-1. A staff report was submitted estimating the cost of the median improvements to not exceed \$50,000. In that report, it was stated that the City’s Finance Director had advised staff that sufficient funds may be available for some or all of the project design and construction, and that this would be discussed further, as part of a public hearing to amend the L&LAD No. 1988-1 budget.

On September 5, 2006, Council authorized staff to seek a design contract for all or a portion of these medians, to be readied upon an amendment to the L&LAD 1988-1 budget and to discuss the Albany Unified School District’s involvement in this project if the median between Portland and Thousand Oaks is included in the City’s median improvements.

The Community Development Director reported that adequate funds are available to design and construct the Key Route median project. Additional funds remain available for other projects as the Council may direct; however, it is the Council’s practice to request recommendations from the Park & Recreation Commission before approving project expenditures.

If Council wishes to add additional projects for Fiscal Year 2006-07, to be funded through L&LAD No. 1988-1, staff recommends Council provide direction to the Park & Recreation Commission for its consideration and recommendation.

Mayor Maris opened the public hearing and asked if anyone would like to speak and there being no one Mayor Maris closed the public hearing.

Council Member Good presented Resolution #06-67 – A Resolution of the Albany City Council Amending the Landscaping & Lighting Assessment District No. 1988-1 Budget for Fiscal Year 2006-07.

MOTION:

Moved by Council Member Good, seconded by Council Member Javandel to approve staff’s recommendation and the approval of Resolution #06-67.

5-4. Landscaping & Lighting Assessment District No. 1988-1

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7-1. Albany Peace Day Celebration for September, 2007

(File #585-25)

Mayor Maris stated that Albany celebrates Memorial Day to remember those who have suffered from wars and Peace Day would be dedicated to finding ways to prevent these wars.

Mr. Mark Evangelides stated that he usually opposes items like this, however, believes this is a good idea and would suggest it be held on September 11th.

The City Administrator stated that it is not clear to her whether the City of Walnut Creek sponsored their Peace Day but would ask Council to include the idea of encompassing other organizations to sponsor this event.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to refer this matter to the Social & Economic Justice Commission to develop an appropriate program to include a theme with speakers, groups, entertainment, budget and date.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

Council Member Lieber announced that he attended a meeting with Barbara Lee and Phil Angelides discussing campaign strategies.

Council Member Lieber requested that the Council agendaize as soon as possible an Executive Session to receive an evaluation on the merits of the complaint of Mr. Maass from the City Attorney and for the City Council to give direction to the City Attorney to proceed and how the Council wishes him to proceed.

Council Member Lieber noted that he had a meeting with the City Attorney regarding this and the City Attorney indicated that he would not proceed without Council direction.

Mayor Maris asked staff if they had any comment on how the Council establishes this meeting appropriately. The City Administrator responded that pursuant to the City's policies and the Brown Act the Mayor can call a special meeting or three members of the City Council.

MOTION:

Moved by Council Member Lieber, * seconded by Council Member Javandel that a special meeting be called and a date be set that works for all the Council,

*Council Member Javandel used these words, which I took as a second “I see no problem with discussing it so sure.”

AYES: Council Members Javandel, Lieber & Mayor Maris

NOES: Council Members Good & Okawachi ABSENT: None

Motion carried and so ordered.

The City Administrator stated that she would contact the Council to set a date.

Council Member Javandel announced that he attended a meeting in Napa regarding rideshare, City car share and bicycle share and noted that the Traffic & Safety Commission may want to discuss any opportunity for a bike share program in the City.

Mayor Maris announced the following items: 1) Attended the Eastshore State Park dedication. 2) Disaster Preparedness meeting had a good attendance and noted the Fire Department had an Open House with a lot of information available to the public. 3) Spoke about the Teen Café and the great job that Jeremy Allen has done. 4) Noted that the Congestion Management Agency will be discussing the traffic problems on I-80. 5) Prevention Council is working on a resource handbook. 6) Attended a meeting at UC Davis to discuss working cooperatively with the Universities located in cities and it was noted the good collaboration the City of Albany had with UC Berkeley on the Codornices Creek project. 7) Announced a meeting with the JPA Sport field users and the artificial turf issue and noted the planning process being used and to continue bringing more people into the process.

Mayor Maris asked that the following items be put on a future agenda: 1) Reconsider the decision to dig up the field at Memorial Park and look at the possibility of using appropriate chemicals. 2) Give direction to the Planning & Zoning Commission to look at the possible modification of Measure D (parking).

9. ADJOURNMENT

12 a.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

