

NOTE: These minutes are subject to Council approval and are not verbatim; however, tapes are available for public review.

**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN SPECIAL SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, OCTOBER 30, 2006**

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**8:00 p.m.**

Mayor Maris called the special 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.

**3. EXECUTIVE SESSION**

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON EXECUTIVE SESSION ITEMS**

At its meeting of October 16, 2006, the City Council directed staff to agendize as soon as possible to meet in 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 how to proceed or if the Council wishes him to proceed.

The City Council will convene in the Council Chamber in open session to receive public comment on Executive Session items, and then adjourn to Executive Session pursuant to Government Code Section 54956.9(c), anticipated litigation.

The City Attorney noted that Council had received an e-mail from Clay Larson who believes it is not appropriate for the City Council to meet in Executive Session. The City Attorney stated that he disagrees with Mr. Larson, noting that the City Council is his client and they have the right to speak with him in Executive Session under the specified Government Code Section.

The City Attorney stated that tonight the public comment is for speakers to address the Council with their views on the subject that is noted for Executive Session.

The following people spoke on the Executive Session: Mr. Papalia, Council Candidate; Ms. O'Keefe, Council Candidate; Ms. Sally Outis, representing Concerned Albany Neighbors; Ms. Ann Whitehead, Albany resident; Mr. Peter Schakow, Albany resident; Ms. Stephanie Travis, Albany resident; Ms. Thelma Rubin, Albany resident; Ms. Kristina Osborne, Albany resident; Mr. Dana Milner, Albany resident; Ms. Christina Van Horn, Albany resident; Mr. Norman LaForce, El Cerrito resident; Ms. Lubov Mazur, Albany resident; Mr. Bill Dann, Albany resident; Mr. Sol Strand, Albany resident; Mr. Roger Carlsen, Albany resident; Ms. Jean Safir, Albany resident; Mr. Trevor Grayling, Albany resident; Mr. Alan Riffer, Albany resident; Ms. Mara Duncan, Albany resident; Mr. Robert Cheasty, Albany resident.

A summary of the comments is as follows: There is a loophole in the City's Campaign Reform Act and the letter is part of smear campaign; the letter is politically motivated to try and confuse the voter; noted this has been a very difficult experience and hoped that future campaigns would focus on the issues rather than on politics; spoke about "big time politics" and noted that CAN has been trying to provide the voters with factual information; noted that all the different brochures add to the confusion of the voter; spoke about the integrity and character of the two Council Candidates that have been named in the lawsuit; spoke about the "swift boat strategy"; believes this lawsuit is related to the Initiative lawsuit; concerned that "big politics" is trying to take over Albany; spoke about a letter submitted by Ken Shapiro asking Council Member Lieber to recuse himself; spoke about a connection between the Maass letter and Council Member Lieber; concern expressed about Magna's involvement in this election; believes the problem with the CAN literature is that they are supporting candidates and maybe they should be opposing candidates; concern expressed about outside groups controlling the election; urged the Council to stay out of this lawsuit; noted that CAN did send money back to people once the Initiative was thrown out by the Courts, however, many people told CAN to keep the money; believe that desperate people are taking desperate measures; comments were made about the 2004 election and the attack against Council Candidates Okawachi & Riffer; need to decide if the City is going to enforce its Ordinance; noted that CESP has advocated the same thing for the past 25 years, which is an open shoreline with a hotel; spoke on the closure of Golden Gate Fields and the horse racing industry.

The City Attorney responded to Council Member Lieber's Point of Order regarding recusing himself from this discussion. The City Attorney stated that this is a decision that each Council Member must make, however, does not believe he has to recuse himself.

Mayor Maris bought the discussion back to Council.

Council Member Okawachi stated that two years ago when she and Alan Riffer ran for elected office, Council Member Lieber and Brian Parker made an allegation to the Fair Political Practices Commission (FPPC), who investigated and found no evidence of wrong doing.

Council Member Okawachi noted that she and Alan Riffer appeared before a panel for the endorsement of Barbara Lee and realized that they would not get the

endorsement, as Robert Cheasty was on the panel; and apparently, this happened again with Candidates O’Keefe and Papalia.

Council Member Good noted that a letter was received from a resident making allegations against the other side. Council Member Good stated that when he ran for election four years ago the Candidates never criticized each other.

Council Member Javandel stated that he agreed last week to have this meeting so that a discussion could take place and noted that the Council is fortunate that none of them are running in this election as there would be a potential for conflict of interest, which is very disturbing.

Council Member Lieber protested the way the meeting was handled noting that this was supposed to have been an Executive Session, as there are things that need to be discussed in Executive Session. Council Member Lieber believed this forum was orchestrated and things were said that were not on the agenda.

9:35 p.m. – Council adjourned into Executive Session

10:35 p.m. – Council reconvened

**4. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION.**

Mayor Maris reported on the action taken during the Executive Session stating that the City Council has not authorized the Attorney to proceed with an investigation or to initiate litigation.

Mayor Maris stated that by way of explanation it is noted that the Council is generally not inclined to involve the City in political campaign disputes due to the potential for conflicts of interest.

**5. ADJOURNMENT**

10:45 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