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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, DECEMBER 4, 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.

1. ROLL CALL

Present: Council Members Good, Javandel, Lieber, Okawachi & Mayor Maris
Absent: None

2. STAFF PRESENT

Beth Pollard, City Administrator; Jacqueline Bucholz, City Clerk; Robert Zweben, City Attorney; Charles Adams, Finance Director; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Judy Lieberman, Assistant City Administrator; Barry Whittaker, Project Manager.

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, November 20, 2006

Staff recommendation: Approve.

- 3-2. a.** Ratification of City of Albany net payroll in the amount of \$188,900.52; taxes, benefits & withholdings in the amount of \$210,886.12. Total payroll in the amount of \$399,786.64. Payroll period: 11/22/06.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$47,262.75; taxes, benefits & withholdings in the amount of \$50,140.43. Total payroll in the amount of \$97,403.18. Payroll period: 11/22/06.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$184,080.40. Period: 11/17/06.

b. Ratification of bills, claims & demands against the Albany Municipal Services JPA in the amount of \$181.94. Period: 11/17/06.

Staff recommendation: Ratify.

3-4. Pension payments in the amount of \$105,634.96 for the month of November, 2006.

Staff recommendation: Ratify.

3-5. Green Building Ordinances: 1) Ordinance #06-016 – An Ordinance of the Albany City Council Adopting “Green Building and Bay-Friendly Landscaping Regulations”, Amending Chapter 20, Planning & Zoning of the Albany Municipal Code. 2) Ordinance #06-017 – An Ordinance of the Albany City Council Adopting “Construction and Demolition Debris Recycling”, Amending Chapter 12, Building and Housing of the Albany Municipal Code. 3) Ordinance #06-018 – An Ordinance of the Albany City Council Adopting “Water Reuse”, Amending Chapter 20, Planning and Zoning of the Municipal Code. Second Reading.
(File #405-25)

Staff recommendation: Approve Ordinance #06-016, #06-017 and #06-018 for Second Reading – Pass-to-Print.

3-6. Professional Services Contract related to California Environmental Quality Act Review of the St. Mary’s College High School Master Plan Project and the Codornices Creek Watershed Restoration Project.
(File #600-30)

Staff recommendation: Authorize the City Administrator to enter into a Professional Services Contract with Lamphier-Gregory.

3-7. Contract with Environmental Science Associates to provide Recycling and Organics Technical Assistance to the commercial sector.
(File #600-30)

Staff recommendation: Approve the contract with Environmental Science Associates for an amount not to exceed \$14,500.

- 3-8** Application to FEMA for a fiscal year 2007 Pre-Disaster Mitigation Grant in the amount of \$2.5 million for the seismic retrofit portion of the Civic Center, Police and Fire retrofit.
(File #345-30)

Staff recommendation: Authorize the City Administrator to enter into a contract with G&E Engineering Systems in the amount of \$12,000 to apply for a FEMA grant in the amount of \$2.5 million for the seismic retrofit of the Police, Fire and City Hall Buildings.

Mayor Maris asked if anyone would to remove an item from the Consent Calendar. The following items were removed for discussion: Item 3-1 & 3-8.

3-1. Council Minutes, November 20, 2006

Mayor Maris asked that the City Clerk provide a transcript of the portion regarding Turf Removal at Memorial Park. Mayor Maris stated that he would like to see what Council Member Lieber said at that meeting before his additions are added.

3-8. Grant for Seismic Retrofit – Civic Center, Police & Fire Departments

Mayor Maris asked if the grant is approved could the City then use the Measure F monies for the Veteran’s Building? The Assistant City Administrator responded that yes the Measure F monies could be reallocated if approved by the City Council.

Mayor Maris asked if there were similar grants available to be used for the Veteran’s Building. The Assistant City Administrator responded that she would have to check into that.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar as submitted, with the exception of Item 3-1.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

The City Administrator stated that before Council is an urgency item that came up after the agenda was prepared. The City Administrator noted that the item is to approve funding to proceed with repairs to the Community Stair Tower windows, which needs to be done before the rains start. The Council has to vote on whether to accept this urgency item.

MOTION:

Moved by Council Member Good, seconded by Council Member Javandel to approve this item as an urgency item to be discussed as first item under New Business.

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

Ms. Taylor Mosely and Austin spoke to the Council about the Teen Café, which is an after school program held at the Community Center and features bands, food and movies.

It was noted that the Albany Community Foundation, the Prevention Council, the City, the Police Department, the Albany School District and the YMCA all work together on this.

Mayor Maris noted that he would like this program to continue, as the High School kids need a positive and safe environment.

Council Member Okawachi stated that she has wanted something in place for the High School students and hoped the City could continue to support this program.

5. PRESENTATION/PUBLIC HEARING

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7-1. Repairs to the Community Stair Tower Windows
(File #330-30)

The Project Manager noted that as the repair work proceeded, it was determined that the cause was deeper than anticipated and necessary to stop and re-evaluate the situation and correction.

All the windows need to be removed and replaced, pushing the estimated project cost up to \$65,000. The work still needs to be completed as quickly as feasible in terms of protecting the building against the possibilities of further water damage. Some of the scaffolding needed to perform the repair work now required is already in place and will be held in place for the work.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel to approve amending the budget by transferring \$35,000 from the Measure F 2002 Parks & Recreation projects reserves to Capital Improvement Project P44 (Community Stair Tower Window Repair) and authorize staff to have the necessary repairs made, as quickly as possible.

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

NOES: None ABSENT: None

Motion carried and so ordered.

7-1a. June 30, 2006 Financial Statements and Reports of the Independent Auditors

(File #330-50)

The Finance Director stated that each year an independent financial audit is performed of the financial statements of the City of Albany. The auditors also report to the City Council their findings and recommendations regarding the City's internal control structure.

The auditor's report is an unqualified report, meaning that the auditors believe the financial statements present fairly, in all material respects, the financial positions of the City at June 30, 2006. This is the highest level of auditor assurance the City can achieve in an audit.

Mr. Scott Miller, Odenberg, Ullakko, Muranishi & Co, stated that he has no additional recommendations to make.

Mayor Maris expressed concern that the City is so dependent on property taxes and believe the sales tax base should be increased. Mayor Maris also expressed concern about the reserve fund noting that if Golden Gate Fields left the City, the City should be in a position that has a healthy reserve fund,

MOTION:

Moved by Council Member Javandel, seconded by Council Member Lieber to accept the June 20, 2006 report of the City's independent auditors on the City's Comprehensive Annual Financial Report (CAFR) and the auditors' Fiscal 2006 Report.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Draft Environmental Impact Report – Cougar Field Improvement Project

(File #400-20)

The Planning Manager informed the Council that the Albany School District proposes to improve the Cougar Field athletic facilities adjacent to the Albany Middle School. The proposed project includes a replacement of the existing turf with artificial turf. The project also includes installation of lights to allow nighttime use of the facilities, installation of new bleachers, and improvements to ancillary facilities such as the field house. The athletic facilities are located north of the Albany Middle School, within the City of El Cerrito. The fields are accessible from both El Cerrito and Albany sides of the project.

Council Member Lieber stated that it is appropriate to have a statement of support for the project noting that the City lacks a good venue for sports at the High School and supports a lighted football field and a good athletic program.

Council Member Okawachi noted that she has tried to get lighting for the track & field program for many years and is happy to see this project.

7-2. Draft Environmental Impact Report – Cougar Field Improvement Project

Mayor Maris stated that he attended the meeting last Thursday and noted that the lights have been a huge issue for the neighborhood and is now seeing a neighborhood willing to compromise.

Asked that the City emphasize that it would like the School District to share the facility with the community and that it be noted the City has a concern about the truck traffic, diesel fuel and dust.

Council Member Javandel concurred that a statement of support should be added to the letter and if multiple exists are provided that there be traffic control.

Ms. Caryl O’Keefe expressed concern about one single exit for the public and asked the City to make sure this would be adequate for the safety of the public.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Lieber to authorize the Mayor to submit written comments on the Draft Environmental Impact Report on the Cougar Fields Improvement Project, with modifications as discussed.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-3. Buchanan Bicycle/Pedestrian Path Proposal

(File #345-50)

The Community Development Director stated that the concept for an east-west bicycle path, which connects the Ohlone Greenway to the Bay Trail, is recommended in the City’s adopted Bicycle Master Plan. It was envisioned that it would extend along Marin Avenue and Buchanan Street.

In 2005, an important segment of this path was completed with the Marin Avenue Reconfiguration project. This project now provides a Class II bicycle lane from the Alameda to Cornell Avenue and a Class III bicycle route from Cornell to San Pablo Avenue.

In order to complete the connection to the Bay Trail, a bicycle path is needed along Buchanan from San Pablo Avenue to the Buchanan bridge overcrossing.

Council Member Lieber presented Resolution #06-73 – A Resolution of the Albany City Council Authorizing the City Administrator to Apply for a Grant from the 2006/07 Cycle of the Bicycle/Pedestrian Coordinated Funding Program in the amount of \$265,600 to fund the Preparation of a Concept Plans, a Traffic Impact Analysis and Environmental Review for a Proposed Buchanan Bicycle/Pedestrian Path. (A City math of \$34,000 would be required).

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Lieber, seconded by Council Member Javandel to approve Resolution #06-73.

7-3. Buchanan Bicycle/Pedestrian Path Proposal

VOTE ON THE MOTION:

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

NOES: None ABSENT: None

Motion carried and so ordered.

7-4. Mental Health Services to Albany Homeless and Persons in Need

(File #585-25)

At the meeting of November 20, 2006, Mayor Maris requested an agenda item for Council to consider referring the issue of Albany homeless and mental health services to the Social & Economic Justice Commission.

Council Member Lieber suggested that once the Emergency Operations Center is built that it could be transformed temporarily into housing for the homeless when the weather gets really bad.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Lieber to refer this issue to the Social & Economic Justice Commission.

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

NOES: None ABSENT: None

Motion carried and so ordered.

7-5. Transition Period for Board/Commission/Committee Appointments

(File #110-20)

Council discussed the issue of which member would be taken off the various Commissions/Committees if they were not reappointed.

Ms. Caryl O’Keefe suggested that the policy be that the first one appointed, would be the first one terminated from the Commission/Committee.

Council Member Javandel presented Resolution #06-78 – A Resolution of the Albany City Council Establishing a Policy for the Transition Period for Board/Commission/Committee Appointments.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel, seconded by Council Member Good to approve Resolution #06-78.

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

NOES: None ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi that the Council approve the policy regarding existing Commission/Committee members that first appointed to the Commission/Committee would be the first off.

7-5. Transition Period for Board/Commission/Committee Appointments

VOTE ON THE MOTION:

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

NOES: Council Member Lieber ABSENT: None

Motion carried and so ordered.

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

8-1. Special Council Meeting, Monday, December 11, 2006, 7 p.m. to canvass election results and issue the Oath of Office to newly elected officials.

8-2. There will be a regular scheduled Council Meeting on December 18, 2006.

8-3. City offices will be closed on **Monday, December 25 & Tuesday, December 26, 2006**, in observance of the Christmas Holiday.

8-4. City offices will be closed on **Monday, January 1, 2007**, in observance of the New Year's Day Holiday.

Council Member Okawachi announced that she, the City Administrator and Council Member Elect Wile attended the County of Alameda Summit 2016 and noted that a report would be coming to the Council soon. Also that she attended the APAL Wrestling Award dinner at the Community Center noting that 160 attended and that it was very successful.

Council Member Lieber stated that he is pleased to see the table at City Hall for recycling old batteries.

Mayor Maris attended the following meetings: 1) Congestion Management Authority. 2) The Arts Committee. 3) Teen Café at the Community Center.

Mayor Maris noted that he received a letter from a gentlemen speaking of having a Port in Albany.

9. ADJOURNMENT

10:40 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 L. Bucholz, CMC, City Clerk.

ALLAN MARIS
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK