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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, OCTOBER 18, 2004

7:55 p.m.

Albany Municipal Services Joint Powers Authority (see separate Agenda)

8:00 p.m.

Mayor Ely 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, Maris, Okawachi, Thomsen & Mayor Ely
Absent: None

STAFF PRESENT

Ann Chaney, Community Development Director; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Melinda Chinn, Recreation & Community Services Director; Charles Adams, Finance & Administrative Services Director.

3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

4. 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.)

4-1. City Council minutes, October 4, 2004.

Staff recommendation: Approve.

4. CONSENT CALENDAR

4-2. a. Ratification of City of Albany net payroll in the amount of \$152,585.35; taxes, benefits & withholdings in the amount of \$109,086.74. Total payroll in the amount of \$261,672.09. Payroll period. 10/01/04.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$36,798.38; taxes, benefits & withholdings in the amount of \$25,682.24. Total payroll in the amount of \$62,480.62. Payroll period: 10/01/04.

Staff recommendation: Ratify.

4-3. Resolution #04-51 - A Resolution of the Albany City Council Designating Non-Business District Parking (Exclusive of Marked Locations) in Accordance with Section 9-10.19 of the Municipal Code.
(File #570-20)

Staff recommendation: Approve Resolution #04-51.

4-4. Cable television Franchise Agreement and City Ordinance.
(File #1050-30)

Staff recommendation: 1) Approve the extension of the City's existing cable television franchise to January 31, 2006 in order to allow the City sufficient time to negotiate franchise renewal. 2) Authorize the allocation of \$17,500 for revisions of the City's cable television ordinance negotiations with Comcast for the new franchise.

4-5. Street sweeping program administration.
(File #820-30 & #700-3)

Staff recommendation: 1) Implement the recommendation for enhanced street sweeping program to be developed and administered by the Community Development Environmental Resources position. 2) Approve the increase of the Community Development Environmental Resources position from 60% to 100% to develop, implement and administer the City's enhanced street sweeping program to be funded by non-General Fund revenue.

4-6. Waterways Restoration Institute Contract #04-02 for Codornices Creek Restoration and Trail Project.
(File #405-40)

4. CONSENT CALENDAR

Staff recommendation: Approve an even division of the outstanding amount of \$51,000 in Contract #04-02 with the Waterways Restoration Institute (WRI). This would increase the amount of the contract by \$25,500 bringing the final total contact amount from \$116,000 to \$141,500 for completion of permitting, design, construction documents and construction management for Reach 1, Phase 1 of the Codornices Creek Restoration and Trail Project.

4-7. Albany Reinvestment Agency's Implementation Plan Five-Year Update.
(File #460-40)

Staff recommendation: Schedule and provide notice of public hearing on November 15, 2004, for adoption of the Agency's Implementation Plan for the period January 1, 2005 through December 31, 2009.

Mayor Ely asked if anyone would like to remove an item from the Consent Calendar and the following items were removed: 4-1, 4-4 & 4-5.

4-1. Council Minutes, October 4, 2004

Council Member Maris asked that the following language be added (added language underlined) to the minutes, page 9, Council Member Maris stated that he likes the idea of commercial nodes particularly at the intersection of San Pablo and Solano and Key Route at Solano.

Council Member Good stated that he would like to make a correction on page 8, first motion on the page: The following language should be deleted & R-4. The third motion, add the following words (underlined) and not allow above ground for commercial R-4.

4-4. Cable TV Franchise Agreement and City Ordinance

Council Member Maris stated that he would like to get whatever funds we can and start on this process and asked if the City would retain the existing programs. The Assistant City Administrator stated that nothing would change.

4-5. Street Sweeping Program Administration

Council Member Maris expressed concern that the City is very short of money particularly in the storm drain area. The Assistant City Administrator stated that the intent is to reduce the storm drain fee to fund the street sweeping. Council Member Maris asked how much money would be taken away from the storm drain fee and was told that nothing additional than what is in the budget.

Mayor Ely asked if it was a revenue enhancement or mandated by law and was told that it is a part of the permit with the Regional Control Board and the City has no options.

4. CONSENT CALENDAR

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Thomsen to approve the Consent Calendar with the changes to the minutes of October 4th.

AYES: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely

NOES: None

ABSENT: None

Motion carried and so ordered.

5. PRESENTATION

6. UNFINISHED BUSINESS

7. NEW BUSINESS

7-1. Parks, Recreation and Open Space Master Plan
(File #920-30)

The Recreation & Community Services (R&CS) Director reported that in January, 2003 it was decided to begin the process of retaining a consultant to develop a new Parks, Recreation and Open Space Master Plan. The Plan's purpose is to create a clear and solid set of goals, objectives, projects, standards and implementation strategies that would provide direction to staff, the Commission and the City Council for development, re-development and enhancement of the City's park system, open space, recreation facilities and recreation programs for the next 5-10 years.

The previous plan was developed in 1973 and is outdated and obsolete and the Commission believes that a new Master Plan is necessary to evaluate and assess in the context of the community as a whole, requests based on needs, goals, standards and deficiencies in the park system. Also, Albany voters approved Measure F, a \$14.5 million dollar bond measure that included funding for park development and improvements.

Later in the year, the City Council approved the Commission's recommendation that a Request for Proposal (RFP) be issued for consulting services to assist in the preparation of the plan. Proposals were received from five firms and the Commission interviewed the three finalist firms and in June, 2003, the Council entered into an agreement with Moore Iacofano Goltzman (MIG) to prepare the Master Plan.

Mr. Geoff Pillar, P&R Commission, spoke about the Master Plan and stated that the intent is to have long-term goals and evaluation of projects and noted that there is not enough money to do everything. Mr. Pillar thanked the Council, members of the P&R Commission and staff for their input and commitment to this process.

Ms. Sharon McNamee, MIG, went over the Master Plan and stated that one of the main goals of the Commission was to make sure that the plan truly reflected the unique needs and desires of the Albany community. The Commission solicited public feedback in three principal ways: 1) A random survey of Albany households was conducted, which resulted in 321 responses. 2) A public "visioning" meeting attended by 115 participants. 3) Interviews with users of sports fields and other facilities in the Albany vicinity.

7-1. Parks, Recreation and Open Space Master Plan

Ms. McNamee stated that six key goals were developed to respond to the General Plan policies and stated community needs and interests.

Goal 1: Preserve, enhance and, where possible, expand park and open space areas in Albany. Make Albany a green environment that integrates nature with neighborhoods, protects and supports native habitat and educates residents about local vegetation and wildlife.

Goal 2: Make Albany a center for cultural and arts activities, with open space for art displays and musical performances. Beautify public space through public arts programs, landscaped boulevards and community gardens. Promote arts related activities.

Goal 3: Provide high quality sports and recreation facilities that accommodate children, youth, families and seniors year-round and at all times of day. Increase the range of City-sponsored programs for all age groups, including children and senior citizen programs.

Goal 4: Promote public uses of the waterfront, providing for maximum natural open space and recreation.

Goal 5: Establish an integrated comprehensive system of pedestrian and bike routes linking all neighborhoods and schools to recreational facilities throughout the City, including the waterfront.

Goal 6: Make Albany a City that provides high quality services and inviting, well-kept facilities that foster public enjoyment.

The R&CS Director stated that regarding funding strategies the Master Plan provides an assessment of the City's capital project needs and existing funding sources. The following is a summary of the findings: Capital Needs: The estimated capital cost of completing all of the City's projects recommended in the report is \$12.1 million. The City currently has a total of \$10 million available including an allocation of \$3.4 million from the Measure F bond issue. Therefore, \$2.1 million remains a capital-funding shortfall. Maintenance Needs: The total future cost of maintaining all of Albany's existing and proposed park, recreation and open space facilities is estimated to be approximately \$428,000 per year, in 2004 dollars. Currently estimated for park maintenance is \$340,000 and the City is completing a separate analysis of current work deployment and management of public works maintenance. Potential Funding Approaches: 1) Reprioritization of park maintenance – increase in the park maintenance budget. 2) Improve park maintenance through improved management procedures and oversight. 3) Funding of expanded maintenance through savings, as a result of upgraded infrastructure. 4) Local fundraising efforts. 5) Regional and State grants. 6) Development partnerships with local groups, such as the Rotary Club, etc. 7) Lighting and Landscaping District.

Council Member Good asked how much money was spent on this report and the R&CS Director responded \$78,000. Council Member Good questioned the picnic area at Memorial Park and stated he did not believe there should be anything more beyond what is there already.

Council Member Maris spoke on the following: Page 8 of the Report, goal #4 that Magna and not the City own the Eastshore Park property. Page 9 stated that he

7-1. Parks, Recreation and Open Space Master Plan

would like to see permanent irrigation at the Albany Waterfront Trail. Page 10, 6-1 asked if staff found a way to advertise meetings to the public that worked well and staff responded that most people want all the information on the web page. Page 12, 6-7 needs assessment, noted that the report states the City currently has 6 sports fields and needs to have 7; however, he believes the City needs more than that. Ms. Sharon McNamee responded that they looked at the number of teams that use the fields and crunched the numbers to come up with that figure. Page 13 suggested that the City develop a catalog of youth programs.

Council Member Thomsen stated that the P&R Commission did a good job with their outreach to the public and noted that before this report came to the City Council it was discussed numerous times. Council Member Thomsen commented that the commitment of the Commission and the community is excellent and noted a lot of volunteer hours were spent on this report.

Council Member Okawachi stated that initially some of the Council believed that the Commission could do this job entirely by themselves. Council Member Okawachi noted that she said no that a consultant was needed and believes the money was well spent.

The following people spoke: Ms. Maureen Crowley, Kains Avenue; Ms. Carole FitzGerald; Ms. Thelma Rubin, Hillside Avenue; Mr. Michael Behr (sp) Friends of the Gill Tract; Mr. Roger Carlsen, sport field user.

A summary of the comments, as follows: Asked a question about thinning and cutting trees; no handicap access available at Memorial Park; spoke about the Gill Tract; asked the Council to consider purchasing an 11 acre parcel of land on Albany Hill; questioned the reference to purchasing an easement (staff responded that the easement is necessary to perform work for access). Need for bike racks at the entrance of the park on Albany Hill; no access to Albany Hill and suggested money be used for building steps for public access; expressed concern about language in the draft regarding the Gill Tract; suggested that negotiations be held between the sport field users for maintenance of the fields.

Mayor Ely noted that initially he was skeptical of spending the money for this report; however, believes now that the money was well spent and the report will last a lifetime.

Council Member Thomsen presented Resolution #04-50 – A Resolution of the Albany City Council to Adopt the Parks, Recreation and Open Space Master Plan.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Good to approve Resolution #04-50.

AYES: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely

NOES: None

ABSENT: None

Motion carried and so ordered.

The City Council thanked the P&R Commission for their hard work and dedication.

9:35 p.m. – Council Recess
9:50 p.m. - Council Reconvened

8. PUBLIC HEARING

8-1. Zoning Ordinance and General Plan Amendments: Wireless Communication Facilities. (File #450-20)

The Community Development Director reported that Council has received numerous communications from residents urging a moratorium on wireless communication facilities. Council has three options, as follows: Proceed at this time with Council review of the proposed draft of zoning subsection 20.20.090. Wireless Communication Facilities with modifications recommended by the City Attorney and Nan Wishner and Cindy Soloman. 2) Defer consideration of subsection 20.20.090 until a date certain, after completion of review and approval of the balance of the draft-zoning ordinance. 3) Adopt Ordinance #04-07, an interim urgency ordinance to establish a forty-five day moratorium restricting permits for, or installation of, wireless communication facilities.

The City Attorney commented that if Council adopts the moratorium ordinance it makes sense to discuss the Ordinance tonight. If this Ordinance is adopted, it gives Council “a time out” so that staff and Council can evaluate the issue. This matter must come back with 45 days with a recommendation for a public hearing.

Council Member Good stated that it appears that people have a fear of the magnetic radiation. The Community Development Director responded that the FCC does not allow the City to prohibit based on health; however, the City can have control over the zoning and where the towers are placed.

Council Member Good stated that the current applications appear to meet all State and local standards. The City Attorney stated that many cities are reevaluating their policies on this use.

The Community Development Director noted that the discussion should be confined to the moratorium ordinance if the Council approves that.

Council Member Okawachi stated that she would like a moratorium, as she does not know enough about this issue and would like time to study the matter.

Council Member Thomsen agreed noting that it would give staff some time to do more research on the matter.

Council Member Maris asked what is being used for guidance: Scientific information, etc. The City Attorney responded that staff will conduct its own research and would check to see what other communities are doing. Staff would also like to evaluate some of the suggestions made by residents. The City Attorney stated that when this comes back to Council there will be a staff report that would flush out the issues that have raised concern and would also identify Council’s options. The City Attorney noted that during the moratorium the City is obligated to accept applications, however, they would not be acted on.

Council Member Good noted that he would vote against the moratorium, as he did not believe there was any justification.

8-1. Zoning Ordinance and General Plan Amendments

property expressed an objective of attracting major retail development to the approximately two-acre site. The partner stated he is not unwilling to consider a mixed-use project including residential units, but wants to preserve options that would permit him to optimize the site's advantages of location, size and configuration. The partner believes that mandatory mixed-use could result in only marginal commercial space and could be an impediment to providing sufficient areas for larger retailers. He also has requested that the existing 45-foot height limit be retained for his property, in view of the position of the site in relation to the steep slope of Albany Hill.

City staff provided Council with an interpretation that Policy LU 1.2 requires that redevelopment of the designated PRC sites be a mix of residential and commercial use, and that zoning standards should, therefore, support that policy.

Council expressed interest in being able to entertain straight commercial development in the PRC locations and referred this back to the Planning & Zoning Commission to look at SPC instead of PRC.

The Planning & Zoning Commission held a public hearing to discuss the Council's referral and discussed three alternative responses: 1) Elimination of the "Planned Residential Commercial" classification from the General Plan, substituting the "General Commercial" classification for the two properties under discussion. 2) Interpretation of the existing General Plan language as encouraging, but not mandating, mixed use on the PRC sites, along with classifying modifications to both General Plan and zoning text. 3) Confirmation of staff's interpretation that the General Plan requires mixed use under PRC classification, along with modifications to reinforce that interpretation.

The Planning & Zoning Commission recommend, as follows: 1) General Plan a) modify General Plan Policy LU 1.2 to read: "Establish zoning standards for areas designated Planned Residential Commercial (PRC) to encourage, but not necessarily require, that redevelopment of underutilized commercial areas include a mix of residential and commercial uses." b) Modify the narrative on page 25 of the General Plan to read: "The Plan provides a new land use designation called Planned Residential Commercial (PRC), which is intended to encourage, but not necessarily require, redevelopment of existing commercial uses on San Pablo Avenue into mixed-use developments typically comprised of street-level retail with high density residential uses on rear uses on rear street frontages and second floors." 2. Draft Zoning Ordinance: Modify the Purpose statement for the PRC Overlay District to read: "The Planned Residential/Commercial Overlay District is intended to encourage mixed use development on large sites on San Pablo Avenue. Exclusively commercial development is also permitted. In either case, the ground floor frontage on San Pablo Avenue shall be commercial."

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Okawachi to approve the recommendations of the Planning & Zoning Commission.

The following people spoke on this issue: Doug Donaldson, Chair Planning & Zoning Commission; Ed Fields, Kains Avenue; Ken Friedman, Albany Bowl.

11. ADJOURNMENT

11:10 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.

JON ELY
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK