

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 REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, DECEMBER 20, 2004

8:00 p.m.

Vice 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 Javandel, Lieber, Okawachi & Vice Mayor Maris
Absent: Mayor Good

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Amanda Bennett, Planning Clerk; Dave Dowswell, Planning & Building Manager; Cherry Chaicharn, Transportation 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.** a. Ratification of City of Albany net payroll in the amount of \$187,405.43; taxes, benefits & withholdings in the amount of \$129,753.95. Total payroll in the amount of \$317,159.38. Payroll period. 12/10/04.
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$38,876.84; taxes, benefits & withholdings in the amount of \$27,474.53. Total payroll in the amount of \$66,351.37; Payroll period: 12/10/04.

Staff recommendation: Ratify.

- 3-2.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$194,729.46. Period: 11/19/04.
- b. Ratification of bills, claims & demands against the City of Albany in the amount of \$248,491.32. Period: 12/03/04.

Staff recommendation: Ratify.

- 3-3.** Council Member Lieber submitting for Council ratification the appointment of Leo Panian to the Planning & Zoning Commission.

Recommendation: Ratify.

- 3-4.** Council Member Lieber appointing the following people: Sally Martin, Charter Review Committee; Gabrielle Hammack, Arts Committee; Richard Treat, Traffic & Safety Commission; Bill Dann, Waterfront Committee; Brian Parker, Park & Recreation Commission; Leah Flanagan Library Board; Nan Wishner, Arts Committee.

Staff recommendation: Information only.

- 3-5.** Council Member Javandel submitting for Council ratification the appointment of David Arkin to the Planning & Zoning Commission.

Recommendation: Ratify.

- 3-6.** Council Member Okawachi submitting for Council ratification the appointment of Phillip Moss to the Planning & Zoning Commission.

Recommendation: Ratify.

- 3-7.** Council Member Okawachi reappointing the following people: Thelma Rubin, Charter Review Committee; Peter Goodman, Library Board; Ann Maris, Arts Committee; Geoff Piller, Park & Recreation Commission; Jack Rosano, Civil Service Board; Ray Anderson, Traffic & Safety Commission; Jerri Holan, Waterfront Committee; Michele Mangin-Woods, Arts Committee.

Staff recommendation: Information only.

Vice-Mayor Maris asked if anyone would like to remove an item from the Consent Calendar for discussion. No one wished to pull any items.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Lieber to approve the Consent Calendar as submitted.

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

NOES: None

ABSENT: Mayor Good

Motion carried and so ordered.

4. PRESENTATION/PUBLIC HEARING

City Administrator Pollard introduced the new Public Works Manager, Rich Cunningham.

5. UNFINISHED BUSINESS

There were not any unfinished business items on the agenda for this meeting.

6. NEW BUSINESS

- 6-1.** City of Albany Comment Letter on the Draft Subsequent Environmental Impact Report (DSEIR) for the El Cerrito Plaza Mixed Use Development Project.

Planning Manager Dowswell delivered the staff report. The proposed project, to be located in the southeast corner of the shopping center parking lot, will include 97 multi-family residential units, a 9,000 square foot childcare center, and a 500-space parking garage. 400 spaces would be dedicated for BART rider parking.

The City asked consultant Kimley-Horn to review the project DSEIR. Kimley-Horn reported back that the DSEIR most likely drastically underestimated the traffic impacts that would be generated by such a project.

Planning Manager Dowswell noted that the Traffic & Safety and Planning and Zoning Commissions held hearings on this item. At both meetings, Albany residents expressed concern about the traffic impacts of this project, as well as concern regarding the height and density of the project; the noise levels that the residents (and childcare center) would be exposed to; and safety and environmental concerns regarding the creek. Citizens at both meetings recommended closing Evelyn, Talbot, Cornell and Kains, and both Commissions support that recommendation.

Council Member Okawachi asked about air quality. Planning Manager Dowswell indicated that had been reviewed, as well, and that the results seemed reasonable.

Ellen Hershey, 515 Spokane, represented the North Albany Neighborhood Association. Along with the Berens Neighborhood Association of El Cerrito, they collected 562 signatures on petitions supporting housing and BART parking, but opposing the proposed project, due to: the massive scale of the project; the poor location; increased congestion; safety risks to users of the school and playing field; and exposure of the residents to unsafe noise levels. She suggested reporting the City's concerns to the Contra Costa Transit Authority (CCTA) and the County Supervisors. She submitted the signed petitions.

Charles Burris, 110 Berens, El Cerrito, asked that the City stress alternatives in their letter, such as: locating this project at the existing BART parking lot, and using this

site for overflow parking; swapping BART land for private land if it would facilitate this option; and locating this project at the Del Norte BART station.

Neo Surfemides, corner of Key Route and Brighton, was in favor of closing off the Albany streets.

Ann Lamerz, 720 Evelyn, was concerned about traffic, noise, air pollution, view and light changes, and noise exposure to the residents.

Council Member Lieber asked what BART's future plans are for the existing parking lots that prevents them from locating this project on those lots. Planning Manager Dowsell recommended adding the BART board to the list of groups the letter should go to. Vice Mayor Maris supports transit-oriented housing development, but felt this project is too large and too far from the BART station.

MOTION:

Council Member Okawachi moved the City Council direct the Mayor to sign and forward the letter commenting on the DSEIR regarding the proposed El Cerrito Plaza mixed-use development project, and send copies of the letter to the CCTA, the BART Board, and the Alameda County Supervisors. Council Member Lieber seconded, amending the motion to include questions regarding possible alternatives. Council Member Okawachi accepted the amendment.

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

NOES: None

ABSENT: Mayor Good

Motion carried and so ordered.

6-2. Mayoral and Council appointments.

After a brief discussion, the following appointments were made:

Alameda County Mayors Conference	Good/Maris
Congestion Management Agency	Maris/Javandel
Library Advisory Committee	Okawachi/Javandel
Association of Bay Area Governments	Good/Lieber
League of California Cities	Good/Javandel
Associated Community Action Program	Good
Waste Management Authority	Okawachi/Lieber
Alameda County Housing Authority	Safir
East Bay Sports Field Recreational Authority JPA	Maris/Javandel
Water Transit Authority	Maris/Okawachi
San Pablo Avenue Regional Planning Group	Lieber/Maris
School 2X2 Committee	Good/Maris
Youth Task Force	Okawachi/Maris
Prevention Council	Maris/Okawachi
Cable Television Committee	Maris/Lieber
Waste Management Committee	Okawachi/Lieber
Pension Board	Good/Okawachi
AUSD Facilities Advisory Committee	Lieber/Maris

- 6-3.** At-Large Appointments to the Charter Review Committee and the Waterfront Committee.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Lieber to direct the City Clerk to publish and notice the At-Large vacancies on the Charter Review Committee and the Waterfront Committee.

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

NOES: None

ABSENT: Mayor Good

Motion carried and so ordered.

7. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

- 7-1. The City Council meeting of January 3, 2005, has been cancelled due to lack of business. The next regular scheduled meeting will be held on Tuesday, January 18, 2005.**

8. GOOD OF THE CITY/PUBLIC FORUM

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to five (5) minutes. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Joanna Selby, Kains Avenue property owner, complained that she is unable to rent her property because of the noise of the construction going on next door; the approved height of the project; and the noise and fumes coming from the rear of Continental Auto Body to the rear of her property. City Administrator Pollard asked whether she should have the Planning Manager speak with Ms. Selby after the meeting. Vice Mayor Maris asked the City Administrator to do so.

10. ADJOURNMENT

9:16 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

10. ADJOURNMENT

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

ALLAN MARIS
VICE MAYOR

ATTEST:

JACQUELINE L.BUCHOLZ, CMC
CITY CLERK