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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
TUESDAY, JANUARY 18, 2005

7:00 p.m.

Executive Session pursuant to Government Code Section 54956.9 – Conference with Legal Counsel-Anticipated Litigation, one (1) case: Metro PCS; pursuant to Government Code 54946.9 – Conference with Legal Counsel-Existing Litigation: Ex Rel the State of California v. Lee Shore, et al.

8:00 p.m.

Mayor Good 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, Maris, Okawachi & Mayor Good
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Rich Cunningham, Public Works Manager; Barry Whittaker, Project Manager.

3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

Mayor Good announced that instructions were given to Council and Staff and that no action was taken.

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

4. CONSENT CALENDAR

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, December 13 & 20, 2004 & January 6, 2005.

Staff recommendation: Approve.

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$152,871.45; taxes, benefits & withholdings in the amount of \$159,338.51. Total payroll in the amount of \$312,209.96. Payroll period: 12/23/04.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$38,861.31; taxes, benefits & withholdings in the amount of \$41,330.31. Total payroll in the amount of \$80,191.62. Payroll period: 12/23/04.

c. Ratification of City of Albany net payroll in the amount of \$155,859.62; taxes, benefits & withholdings in the amount of \$121,743.97. Total payroll in the amount of \$277,603.59. Payroll period: 01/07/05.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$40,283.28; taxes, benefits & withholdings in the amount of \$28,295.19. Total payroll in the amount of \$68,578.47. Payroll period: 01/07/05.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$80,440.63. Period: 12/17/04.
(File #300-40)

Staff recommendation: Ratify.

- 4-4.** Ratification of the Police & Fire Pension payments in the amount of \$108,919.43, for the month of December, 2004.

Staff recommendation: Ratify.

- 4-5.** Council Member Lieber appointing Margie Marks to the Civil Service Board.

Staff recommendation: Information only.

4. CONSENT CALENDAR

- 4-6.** Council Member Javandel appointing the following people: Jerri Holan, Charter Review Committee; David Vasnaik, Civil Service Board; Alan Riffer, Park & Recreation Commission; Lubov Mazur, Traffic & Safety Commission; Preston Jordan, Waterfront Committee; Caryl O’Keefe, Library Board.

Staff recommendation: Information only.

- 4-7.** Waterfront Committee and Charter Review Committee At-Large Appointments.
(File #110-30)

Staff recommendation: Close the application period for the At-Large positions on the Waterfront and Charter Review Committee and schedule January 24, 2005, 7:00 p.m. for the interviews.

Mayor Good asked if anyone would like to remove an item from the Consent Calendar and no items were removed.

MOTION:

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. PRESENTATION/PUBLIC HEARING

6. NEW BUSINESS

- 6-1. Street Closure Adjoining El Cerrito Plaza**
(File #590-40)

The Community Development Director reported that in 2004 the Traffic & Safety Commission held community meetings with the residents living adjacent to or near the renovated El Cerrito Plaza. The purpose of the meeting was to identify traffic calming measures that could be installed on Albany streets adjoining the Plaza and to discuss neighborhood traffic concerns.

It was noted that traffic-calming methods are already in place on Brighton Avenue at Stannage, Talbot and San Gabriel in an effort to slow traffic speeds and improve overall safety.

The Community Development Director noted that during the course of the public meeting, the majority of residents expressed concern over increased traffic volume and speed, increased truck traffic and violations of one-way directional signs. Residents

6-1. Street Closure Adjoining El Cerrito Plaza

indicted that these increases have occurred particularly since the opening of the renovated El Cerrito Plaza shopping center.

The general consensus of the residents in attendance stated that the streets leading to the Plaza, i.e. Kains, Cornell, Talbot & Evelyn should be closed to vehicular traffic regardless of whether the mixed-use project is built. The residents stated that the street closure should not restrict pedestrian, bicycle and emergency response traffic.

The Traffic & Safety Commission discussed this and voted to recommend that the City Council consider closure of the streets adjoining the Plaza. The Planning & Zoning Commission also discussed this issue and voted to close the street except to pedestrians, bicycles and emergency vehicles.

The Community Development Director reported that the Circulation Element of the General Plan does not address the issue of street closure adjacent to the El Cerrito Plaza. Based on consultation with the City Attorney, the General Plan would need to support such action prior to any implementation and an environmental review of a General Plan amendment relative to street closures would be necessary.

Mayor Good asked if this matter was time sensitive and the Community Development Director responded she did not believe so but would recommend that it come before Council as soon as possible.

Council Member Javandel gave an explanation of the "Tire Index" for the benefit of the public.

Mayor Good asked if a representative from the Regency Realty Group would like to comment on this proposal.

Mr. Tom Engberg, Senior Vice President, Regency Realty Group, stated that the success of any retail shopping center is directly located to the ability of customers to easily and conveniently access the center without congestion or undue delay. When Regency redeveloped the El Cerrito Plaza access concerns were carefully considered and were studied as part of the environmental review process by the City of El Cerrito. The Albany public streets, which serve as access points to the El Cerrito Plaza were a vital part of the overall traffic and circulation considerations to Regency in its decision to redevelop the El Cerrito Plaza and the minimal traffic impacts of that redevelopment.

Mr. Engberg commented that closing the streets would benefit the neighborhood but would not be beneficial to the entire community. Mr. Engberg noted that noise, traffic and parking are legitimate concerns but believe there are ways to deal with them and the goal should be to diminish the problems without closing the street.

Mr. Doug Donaldson, Planning & Zoning Commission, indicated that he abstained on the vote due to principle noting that he has a concern with street closures. Mr. Donaldson stated that the City's purpose is to enhance circulation all over the City and not closing off the grid. Mr. Donaldson stated that he believes this is premature and that the data indicates it is all below the 2000 mark and based on the City's traffic plan the streets are performing.

The following people spoke in favor of the street closure due to increased traffic, speed, noise and parking issues.

Mr. Preston Jordan, Talbot Street; resident living on Cornell Avenue; Mr. Gene Hellwig, Brighton; Eleanor Moses; Charles Burris, Behrens, El Cerrito;

6-1. Street Closure Adjoining El Cerrito Plaza

Lisa Schneider, Stannage Avenue; Ann Neiman, Behrens, El Cerrito; Michael Green, Kains Avenue; Noelle Plummer, Talbot Avenue; resident living on Cornell Avenue; B, McQueing, Talbot Avenue.

Council Member Lieber stated that he is in favor of closing the streets with the exception of Kains Avenue noting there are a lot of problems in that area.

Council Member Javandel stated that traffic volume has gone up in the affected areas, as noted in the Tire Index that deals exclusively with traffic volume on the streets.

The City Administrator suggested that staff be directed to implement the changes in the General Plan and the EIR process before any decision is made on proceeding with the closure.

Council Member Maris asked if any other residential shopping malls have local street access and the Community Development Director responded that definitely the newer malls do not and noted the El Cerrito Plaza was developed in the 1950's.

Council Member Maris asked about the possibility of litigation if the streets are closed to vehicles. The City Attorney responded that there are several issues that need to be studied and that staff must try and insulate the City regarding any possible litigation.

Council Member Okawachi stated that she believes the City must act on this issue immediately and disagreed with Council Member Lieber's suggestion to not close Kains Avenue.

Council Member Okawachi presented Resolution #05-1 – A Resolution of the Albany City Council Initiating an Amendment to the Circulation Element of the General Plan and Authorizing an Environmental Review of that Amendment for Use in Considering the Possible Closure of Albany Streets Leading to the El Cerrito Plaza.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Okawachi and seconded by Council Member Maris to approve Resolution #05-1.

ON THE QUESTION:

Mayor Good stated that he believes it is poor policy to close the streets just for the residents and noted that they are public streets to be used by everyone. However, believe it is good for the City to maintain options and will vote for the motion.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

9:25 p.m. – Council Recessed

9:30 p.m. – Council Reconvened

6-2. Appointment to the Alameda Housing Commission

(File #140-45)

The City Administrator reported that Jean Safir has submitted her resignation from the Alameda County Housing Commission, which leaves a vacancy that needs to be filled.

6-2. Appointment to the Alameda Housing Commission

The City Administrator noted that in the past the City has appointed a Planning Commissioner and Ms. Safir who has a planning background. Ms. Safir recommends that a Council Member be appointed now that the City has the newly adopted Zoning Ordinance and the fact that the rest of the Commission is made up of elected Council Members.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel to appoint Council Member Maris to the Alameda County Housing Commission, as the City's representative and Council Member Lieber as the alternate.

Motion carried and so ordered.

7. UNFINISHED BUSINESS**7-1. Albany Civic Center Public Safety Project**

(File #200-30)

The City Administrator reported that on July 26, 2004, the City Council designated a total of \$4.53 million of Measure F funds, including \$50,000 spent to date, on seismic retrofit and renovation of the Fire & Police Stations and City Hall. The primary focus of this project is, first, seismic retrofitting of the entire Civic Center complex; and second, renovations and addition to the Public Safety facilities, which are largely unimproved since the building opened in 1966.

In its review of project and design options, Council stated its preference for the expanded space to be incorporated into a second story for the Fire and Police Station, rather than expanding the ground floor into landscaped area. The plan also calls for the Emergency Operations Center to be moved from the Community Center to the newly expanded Police Station.

The City Administrator stated that the budget for this project is \$4.5 million; anticipated construction costs \$3.3 million; estimated project duration: architectural team selection: 3 months; design, plans & estimates 5-6 months; construction 18-24 months with a completion date of August, 2007.

Council Member Lieber asked if the project could be broken down into two phases and the City Administrator responded it would not be efficient to do two separate projects.

Ms. Peggy Thomsen, Pierce Street, urged the Council to proceed with staff's recommendation and go ahead with the project.

Mr. Brian Parker, Garfield Avenue, spoke to the letter received from Bond Counsel and suggested that staff send Bond Counsel the current plans and see if they agree with the use of funds. Mr. Parker noted that the Police Department has marginal justification and there are questionable aspects of the City Hall expansion.

Lieutenant McQuiston, spoke on behalf of the Albany Peace Officers' Association, urging the Council to approve staff's recommendation and noted that delaying the project will continue to put employees in danger.

7-1. Albany Civic Center Public Safety Project

Council Member Lieber asked Lt. McQuiston what the input of the Police Department was when the EOC was put in the Community Center? Lt. McQuiston responded he could not answer that, as there was a different command in place with an elected Police Chief.

Council Member Okawachi stated that she believes the City needs to act on this immediately. Council Member Okawachi commented that the EOC should be in the Police Department noting that currently employees have to set up the room at the Community Center, which takes a lot of time. The Fire Department sleeping quarters has no emergency exit, no fire sprinklers, and no storage space and at this time the City cannot hire a female fire fighter due to the sleeping quarters.

Council Member Lieber stated that he has toured the Police and Fire Departments and agree that the problems noted by Council Member Okawachi in the Fire Department need to be corrected and supports all the changes. However, does have some concerns with the storage area above the dispatch center stating if a danger truly exists the material stored must be removed immediately. As for City Hall, believes the matter should go back to the voters so that the residents could vote on an expansion project and the building could be expanded for much needed space.

Council Member Lieber commented that he would like the City to look at buying property for either a Maintenance Center or City Hall and noted there is a building near the Petco building. The City Administrator replied that staff is aware of the property and would consider it for temporary quarters but would rather have retail in that area.

Council Member Maris asked if this should go back to Bond Counsel and the City Attorney responded that he did not believe that Bond Counsel's opinion will change, but will do whatever the Council directs.

Council Member Maris expressed concern about the costs for the design and urged staff to keep costs within the budget.

Council Member Lieber asked if the City would keep the current EOC, as a backup once the new one is constructed and the City Administrator replied that is correct.

Council Member Javandel agreed that the current EOC should be kept as a backup and stated that he values the engineering review during the process. Council Member Javandel stated that the City must avoid any delay and believes the proposed plan will meet the City's needs.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Javandel to authorize the City Administrator to solicit Requests for Proposals from qualified design professionals for plans and specifications for seismic safety retrofit and other renovations and improvements to the Fire Station, Police Station and City Hall, otherwise known as the Albany Civic Center.

ON THE QUESTION:

Council Member Lieber stated that he would like included in the motion that the architect that is hired will find innovative ways to design as much square footage as possible. Council Member Javandel responded that this would be part of the process.

7-1. Albany Civic Center Public Safety Project

VOTE ON THE MOTION:

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

NOES: None ABSENT: None

Motion carried and so ordered.

Council Member Lieber stated that the Police Department has complained about the safety of employees regarding the storage over the dispatch center and wants the City to immediately dispose of the material above the dispatch center. Council Member Lieber noted that he would like a report back to the Council when this is done.

8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

8-1. A special Council Meeting has been scheduled for **Monday, January 24, 2005, 7:00 p.m.**, 1000 San Pablo Avenue, Albany, to interview the applicants for the At-Large Members of the Waterfront & Charter Review Committees.

8-2. A special Council Meeting has been scheduled for **Monday, January 31, 2005, 7:30 p.m.**, in the Council Chambers, 1000 San Pablo Avenue, Albany to discuss Council Goals for 2005.

9. 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.

Mayor Good asked if anyone would like speak and there being no one the Good of the City/Public Forum was closed.

10. ADJOURNMENT

10:10 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.

ROBERT GOOD
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK