

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, MARCH 7, 2005

7:00 p.m.

Work Session to discuss unfunded capital projects and operations, and potential funding mechanisms.
(File #330-40)

8:10 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; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Melinda Chinn, Recreation & Community Services Director; Ed Phillips, Zoning Consultant.

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. CONSENT CALENDAR

- 3-1.** City Council minutes, February 22, 2005.

Staff recommendation: Approve.

- 3-2.** a. Ratification of City of Albany net payroll in the amount of \$147,397.23; taxes, benefits & withholdings in the amount of \$164,948.97. Payroll in the amount of \$312,346.20. Payroll period. 02/18/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$38,922.18; taxes, benefits & withholdings in the amount of \$43,086.62. Total payroll in the amount of \$82,008.80; Payroll period: 02/18/05.

Staff recommendation: Ratify.

- 3-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$596,670.14. Period: 02/25/05.
(File #300-40)

Staff recommendation: Ratify.

- 3-4.** Ratification of pension payments for the month of February in the amount of \$109,449.63.

Staff recommendation: Ratify.

- 3-5.** Resolution #05-7 – A Resolution of the Albany City Council Directing the Filing of the Landscape and Lighting Assessment District Annual Report for Assessment District No. 1988-1 and for Assessment District No. 1996-1.
(File #360-20 & 360-60)

Staff recommendation: Approve Resolution #05-7.

- 3-6.** Waste Management of Alameda County Annual Rate Adjustment Request of 1.78%.
(File #810-30)

Staff recommendation: That the City Council authorize the Annual Rate Adjustment requested by Waste Management of Alameda County.

Staff recommendation: Approve.

3. CONSENT CALENDAR

Mayor Good asked if anyone would like to remove an item for discussion and Council Member Maris removed Item 3-6.

3-6. Waste Management Annual Rate Adjustment

Council Member Maris complained that garbage bins are left all over the street oftentimes blocking driveways and street parking since implementation of curbside pickup and would like staff to make sure that this does not continue. The Assistant City Administrator responded that staff is aware of this problem and has been in contact with Waste Management.

A representative from Waste Management spoke to the Council indicating that the Company is aware of the concerns and noted that the streets in Albany are very narrow with a lot of cars parked on both sides of the street making it difficult for the retrieval of bins. The representative stated that the drivers are instructed to leave the bins in the same place that they were left by the resident.

Mr. Richard Cross stated that for him it is very difficult if the bin is not put back where it was left due to his disability. The Assistant City Administrator noted that there is a process for disabled people to have backyard service.

MOTION:

Moved by Council Member Maris, seconded by Council Member Javandel to approve the Consent Calendar, as submitted with staff taking note of the discussion regarding Waste Management.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

4. PRESENTATION/PUBLIC HEARING

5. UNFINISHED BUSINESS

5-1. Wireless Communication Facilities Ordinance

(File #450-20)

The Zoning Consultant reported that on February 22, 2005, the Council held a public hearing and approved for first reading Ordinance #05-02, which would regulate wireless communication facilities.

Before Council tonight is Ordinance #05-02 for second reading-pass-to-print and also Resolution \$05-3, which adopts the Negative Declaration on the Wireless Communication Facilities Ordinance.

Mr. Ladoux, Attorney for T-Mobile, stated that there is a case regarding this issue, Sprint vs a local jurisdiction and the courts ruled in favor of Sprint. Mr. Ledoux commented that this Ordinance is the most stringent and believes that it is anti-competition and that it is overkill with a lot of red tape.

5-1. Wireless Communication Facilities Ordinance

Ms. Nan Wishner, stated that the wireless status is ambiguous and do not belong in the right-of-way. Ms. Wishner acknowledged the work of City Staff and the Council and noted this is the best protection for the citizens of Albany and believes that democracy can work on the local level.

Mr. Barry Cammile (sp) stated that he believes this Ordinance is very diluted and is not strong enough and also appreciates the work that the Council, the Planning Commission and staff did to implement this Ordinance.

Council Member Okawachi presented Resolution #05-3 – An Ordinance of the Albany City Council Adopting a Negative Declaration Regarding Proposed Wireless Communication Facilities Ordinance.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Okawachi and seconded by Council Member Javandel to approve Resolution #05-3.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Lieber introduced for Second Reading - Ordinance #05-02 – An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning of the Albany Municipal Code to Include Regulations on Wireless Communication Facilities.

MOTION:

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Lieber and seconded by Council Member Javandel to approve for Second Reading – Pass-to-Print, Ordinance #05-02.

ON THE QUESTION:

Mayor Good stated that he is surprised and disappointed by the passage of this Ordinance and believes it is very stringent and motivated by the fear of radio frequency waves, and therefore, will be voting against it.

Council Member Maris stated that he supports this Ordinance and believes it will protect the community from projects like the ones approved in the past that are not attractive.

Council Member Javandel stated that he believes the Ordinance is trying to regulate the sound that is generated and noted that continuous noise sources are very annoying to people.

Council Member Lieber stated that he is extremely proud of Albany citizens and the City Council on how they worked together to adopt this Ordinance. Council Member Lieber noted that is very important that Albany not become the dumping grounds for wireless antennas.

Council Member Okawachi stated that she also supports this Ordinance noting how hard the citizens worked and made compromises so that the Ordinance could be approved.

5-1. Wireless Communication Facilities Ordinance**VOTE ON THE MOTION:**

AYES: Council Members Javandel, Lieber, Maris & Okawachi

NOES: Mayor Good ABSENT: None

Motion carried and so ordered.

5-2. City Council Goal Setting

(File #100-30)

The City Administrator reported that staff has compiled a list of goals that was expressed by individual Council Members and identifies which items require a commitment of funds and the recommended next steps if these goals are pursued. For the items that require a commitment of funds, in most cases, an additional source of revenue is required.

The City Administrator commented that many of the goals could be incorporated into existing projects, programs and operations while others required additional funding or Council policy direction.

Council discussed the various goals and the following goals were discussed in detail:

Page 2 of the Goals Matrix, #5 – Bring social justice issues to the attention of the City Council: The discussion centered around whether the Charter Review Committee should be expanded to incorporate this or whether a completely new Commission should be established.

It was the consensus of the City Council to put this item on a future agenda for more discussion.

Page 1, #2 – Maintenance: Council asked that this be a high priority and to continue documenting the maintenance activity.

Page 2, C – Youth: Continue to explore purchasing the Veterans Building, enhance the teen programs and the possibility of establishing an internship program. Council discussed the issue of mental health problems associated with teens. Council asked staff to look into funding and that the Police Chief pursue training in this area for the Police Officers.

Page 2, #4(b) - Media presentations: Discussed the need for better technology that is used during a Council meeting. #4(c) E-Mail: Discussed the possibility of staff developing a database of e-mail addresses that could be used for notifying the public.

Ms. Cindy Soloman, resident, offered her professional services to assist the City in developing the database.

Page 2, #6 – Waste Management Performance: Directed staff to stay on top of this concern.

Page 3, #1 – Golden Gate Fields: Put on future agenda the discussion of the Golden Gate Fields property and noted that the City could have a vision even though the property does not belong to the City. It was noted that a neutral party should manage the process. Put this item as a priority.

Council also discussed the Bay Trail and noted that this item should be on a future agenda for discussion.

5-2. City Council Goal Setting

Page 4, #5 – Pierce Street Park: Continue efforts to acquire the Pierce Street Park. Concerns were discussed regarding having a park so close to freeway and the health risks associated with that.

#c – Trail Easement: Discussed the possibility of acquiring funding for this item.

Page 8(b) Alternate Location for City Hall: Council discussed the Civic Center Project (City Hall, Police & Fire) and asked if staff could look at acquiring “The Atrium Building” on San Pablo Avenue that could be used for City offices and then using the current City Hall for the Police Department.

Discussion followed on whether the City Council should have offices in City Hall and all Council Members, except Council Member Lieber believed that was not necessary. Discussion also centered on whether City staff should be directed to look into the acquisition of The Atrium Building.

Mayor Good asked the City Clerk to take a voice vote to see if Council wanted staff to look into The Atrium Building.

AYES: Council Members Lieber and Maris ABSENT: None

NOES: Council Members Javandel, Okawachi & Mayor Good

Ms. Mara Duncan, Albany resident, stated that if this would save money then staff should look into it.

Council Member Lieber commented that he believes he is subsidizing the City because he has to use his home as an office. The other members of the Council stated that they too use their homes and that is part of being an elected official.

Page 4, #6 Commercial Land Uses: Council discussed the development of San Pablo Avenue and the implementation of Inclusionary Housing. Other issues discussed included the Code should be more permissive and when future development is approved more landscaping should be demanded.

Council discussed the closure of streets into the El Cerrito Plaza and noted that maybe a little park could be built.

Page 7, #6 UC Village – Discussed the negotiations with the University regarding the expansion plans.

Council discussed parking revenue and the possible development of a parking structure behind Albany Theatre. The City Administrator responded that staff could explore this and maybe put on the unfunded list. A suggestion was made that the City should look to private development to provide the funding.

MOTION:

Moved by Council Member Maris, seconded by Council Member Javandel to direct staff to set the goals for 2005/06, as presented and discussed tonight.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6. NEW BUSINESS

7. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

Council Member Maris announced the following: 1) That the Albany Community Foundation would be hosting a function on May 22, 2005 at Memorial Park to benefit community spirit and the arts. 2) Council representatives attended a City of Dixon field trip to Golden Gate Fields regarding its pending proposal for a racetrack at Dixon Downs. 3) Channel 33 would be putting the video of the Waterfront Exhibit by Susan Moffat on TV and encouraged everyone to see it.

Council Member Lieber stated that he did go and look at this Exhibition and noted that one huge piece of information was left out, which was the Eastshore State Park. Council Member Maris responded that he did see some information on the Eastshore State Park.

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.

Mayor Good opened the Good of the City/Public Forum and asked if anyone would like to speak.

Ms. Angie Garland, Berkeley Chapter of Early Childhood Planning Council spoke about a project they were promoting entitled "After School 2010". Ms. Garland stated that the purpose of this group is to advise local officials on child care issues. Ms. Garland also requested that the group be allowed to use Mayor Good's name on a project they were doing. Mayor Good responded that they could use his name.

Council Member Maris asked what the group did for cities and whether it included teen issues and counseling. Ms. Garland responded that their mandate is to look at all childcare issues.

There being no one else wishing to speak Mayor Good closed the Good of the City/Public Forum.

9. ADJOURNMENT

10:15 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.

ROBERT GOOD
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK