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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, MAY 16, 2005

EXECUTIVE SESSION

7:15 p.m.

Call to order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following:

Conference with Labor Negotiator pursuant to Government Code Section 54957.8 to discuss:

| | |
|------------------------|---|
| Agency Negotiator: | City Administrator and Glen Berkheimer, IEDA |
| Employee Organization: | Albany Peace Officers' Association and SEIU Local 790. |

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; Melinda Chinn, Recreation & Community Services Director; Ann Chaney, Community Development Director; Billy Gross, Associate Planner;

Richard Cunningham, Public Works Manager; Barry Whittaker, Project Manager; Bill Algire, Project Manager; Marc McGinn, Fire Chief.

3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

Mayor Good announced that Council met in Executive Session before the meeting, pursuant to Government Code Section 54957.8 to discuss labor negotiations. At this time 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 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, May 2, 2005.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$158,894.93; taxes, benefits & withholdings in the amount of \$106,797.81. Total payroll in the amount of \$265,692.74. Payroll period. 04/29/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$40,217.82; taxes, benefits & withholdings in the amount of \$27,249.39. Total payroll in the amount of \$67,467.21; Payroll period: 04/29/05.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$15,228.08. Period: 05/01/05.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$183,068.65. Period: 05/06/05.

c. Ratification of bills, claims & demands against the Albany Municipal Services Joint Powers Authority in the amount of \$65.20. Period: 05/06/05.

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-4.** Consideration of Claim #AL500; Target v. City.
(File #170-60)

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter.

- 4-5.** Consideration of Claim #AL503; Cardwell v. City of Albany.
(File #170-60)

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter.

- 4-6.** Resolution No. 05-11 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 04-08, Disabled Access Curb Ramps and Solano Avenue Sidewalk Widening Construction projects with Vanguard Construction.
(File #600-30)

Staff recommendation: Approve Resolution #05-11.

- 4-7.** Resolution #05-23 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 04-12, Curtis Street and Sonoma Avenue Sewer Rehabilitation (and 767 Gateview Avenue Sewer Rehabilitation).
(File #600-30)

Staff recommendation: Approve Resolution #05-23.

- 4-8** Resolution #05-28 – A Resolution of the Albany City Council Authorizing the City Administrator to Call for Bids for the Marin Avenue Reconfiguration Project.
(File #600-10)

Staff recommendation: Approve Resolution #05-28.

- 4-9.** Provisions of Advanced Life Support Ambulance and Paramedic Provider Agreement between the City of Albany and the County of Alameda.
(File #600-40)

Staff recommendation: Approve the extension.

4. CONSENT CALENDAR

- 4-10.** Request for temporary street closure of Talbot Avenue (approximately 200 feet south of Solano Avenue).
(File #820-70)

Staff recommendation: Approve a request by Albany Rotary Club to close approximately 200 feet of Talbot Avenue, south of Solano Avenue, on June 5, 2005, from noon to 7:00 p.m. in conjunction with the Taste of Albany event, subject to Special Conditions.

Mayor Good asked if anyone would like to remove an item from the Consent Calendar and the following items were removed: Item 4-1, 4-7 & 4-8.

4-1. City Council minutes, May 2, 2005.

The City Clerk asked the Council to withdraw the minutes so that corrections could be made and that the minutes would come back to Council at the next Council meeting.

- 4-7. Resolution #05-23 – Curtis & Sonoma Sewer Rehabilitation &**
- 4-8. Resolution #05-28 – Bids Marin Avenue Reconfiguration**

Council Member Maris asked some questions regarding these items.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Maris to approve the Consent Calendar as submitted with the exception of Item 4-1, which was referred to the next Council meeting.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. PRESENTATION/PUBLIC HEARING/HEARING

- 5-1. Public Hearing to hear an Appeal of a Planning & Zoning Commission denial or a Parking Reduction at 1485-B Solano Avenue.**
(File #450-80)

The Associate Planner explained that the applicant is proposing to locate a coffee shop, which is considered a restaurant, with take-out use, in one of two commercial spaces at 1485 Solano Avenue. The space in question is 1485-B, which was previously professional office use. The site is located on the north side of Solano Avenue, between Santa Fe Avenue and Curtis Street. There are no off-street parking spaces available for this building.

The commercial space is 588 square feet and according to the Zoning Ordinance the parking requirement for the expansion increases from one to six off-street parking

5-1. Public Hearing to hear an Appeal of a Planning & Zoning Commission denial or a Parking Reduction at 1485-B Solano Avenue.

spaces, an intensification of five spaces. The applicant is requesting a five space parking reduction.

The Planning & Zoning Commission denied the Parking Waiver request subject to the following Findings: a) On the basis of a survey of comparable situations, parking demand for the proposed use or uses will be less than the required number of spaces. Based on staff's survey of comparable situations the parking demand for the proposed use in combination with the existing dentist office will be greater than other similar uses located along Solano Avenue in the immediate vicinity; b) The probable long-term occupancy of the property or structure, based on the project design, will not generate substantial additional parking demand. The parking demand for a restaurant use with take-out adjacent to a dentist office will have a much greater demand for parking demand than a retail use; c) Based on current survey of parking space availability and usage within a five hundred (500') foot walking distance of the boundary of the site of the subject building, a reduction of the parking requirement will not have a substantial effect on the parking available for neighboring uses. Staff first reviewed the Solano Avenue Parking Study, which was completed in July of 2000. The study looks at the percentage of occupied parking spaces at each block for each hour starting at 8 a.m. and finishing at 10 p.m. with a total of 30 parking counts during the weekday hours and 15 parking counts on weekend hours. The spaces along the north side of Solano between Curtis and Santa Fe were occupied at a level of 80 percent or greater for 23 of the 30 total weekday parking counts, with 3 of the 7 counts below 80 percent occurring before 10 a.m. Staff also performed random field checks, which verified the survey results to still be accurate in this area.

Council Member Javandel stated that he could understand the concern about the lack of parking based on the numbers.

Council Member Lieber stated putting aside all the parking concerns, this business is desired based on all the letters that the Council received. Council Member Lieber expressed his support for this use noting that there is no coffee shop in the area and would support a parking variance.

Mayor Good opened the public hearing and the following people spoke against the project:

Mr. Andrew Condey; Ms. Carol Walker; Mr. Ray Anderson. A summary of their comments is as follows: Every other business has had to conform to the parking requirements and this should not be an exception. The City should be planning for parking needs in the City. Many citizens worked with the Zoning Code Revision Committee and put in a lot of time to come up with the parking standards that are in the Zoning Code. Support more retail on Solano Avenue.

Mr. Keith Morris, Architect for the Coffee Shop Project, spoke in favor of the project noting that this project brings something to the community that currently is not there and people support this business. Mr. Morris stated that this type of business attracts mostly foot traffic and urged the Council to find a way to make this situation work.

6-1. Albany Civic Center – Measure F Public Safety Projects

responded. A committee consisting of City staff and two members from the Planning & Zoning Commission selected five firms and requested proposals from them.

The Public Works Manager noted that unfortunately an issue that came up during the interview process was that the City's costs are based on numbers nearly two years old. The cost engineer that the City worked with indicated that construction costs have risen 21% since he last generated estimates for the City and are continuing to go higher.

The basic work needs to be re-estimated at today's construction costs with allowances for added cost increases and deducted from the basic construction budget to determine the residual funds available for the other program goals of remodeling and expansion.

The committee is recommending the architectural firm of Noll & Tam Architects who will work on proposals and one more alternative might evolve due to the current fiscal limitations. Council has expressed a preference for the expanded space to be incorporated into a second story for the Fire & Police Station, rather than expanding the ground floor into landscaped area; while this has been given to the architects, the current cost limitations may argue on behalf of a ground floor expansion.

The Public Works Manager stated that after Noll & Tam performs their initial evaluation and updated cost estimate, staff would return to Council with options to scale back the project and/or consider additional Measure F funding to achieve particular goals.

The Architect has submitted a cost proposal of \$461,340 through construction for the cost of the agreement for consulting services. Funding for this project is entirely from Measure F and the Council approved a project in the amount of \$4.53 million.

Council Member Javandel encouraged green building practices and Council Member Okawachi agreed stating long-term energy measures should be taken and that the City should look toward Waste Management Authority for grants.

Council Member Lieber expressed concern about the cost and possible overruns and noted that one of the firms did not submit a proposal because of the fiscal constraints.

Council Member Lieber suggested that the idea of a ground floor expansion might work, as it will probably save money. Council Member Lieber again suggested that the Council look at other spaces to use.

Council Member Maris stated that he likes the idea that cost options will be reviewed during each phase of the project.

At this time Janet Tam, Noll & Tam, spoke to the Council indicating her excitement for the project. Ms. Tam responded to the comment about a ground floor expansion being cheaper than going to a second story. Ms. Tam stated that it is not always the case and noted that it may come down to the best usage of the space.

Mayor Good expressed his concern about a ground floor expansion and reiterated his dislike of that idea. Mayor Good stated that he does not want the building to encroach on the existing landscaping and parking areas.

The Public Works Manager commented that staff is very much aware of Council's concern about losing landscaping and parking and noted that after speaking with both the Police & Fire Chiefs there may be some extra space to use in the asphalt area where there is currently a carport.

6-1. Albany Civic Center – Measure F Public Safety Projects

MOTION:

Moved by Mayor Good that a ground floor expansion only be considered if it does not adversely impact the existing landscaping and parking.

Motion Died for lack of a second.

Council Member Javandel stated that the design could be done in several phases, with Phase 1 being what the City could afford and the rest of the phases would have to wait until funding was found. Council Member Maris commented that staff and the Council should look at the bottom line and find out what the cost would be for just retrofitting the building. Ms. Mara Duncan expressed concern about losing space and believes that it is crucial that the building is a green building and would support having citizen input for a green building.

Council Member Maris presented Resolution #05-29 – A Resolution of the Albany City Council Authorizing the City Administrator to Execute a Consultant Agreement with Noll & Tam for Architectural, Structural Engineering and Related Consulting Services for the Design Work Proposed for the Civil Center Complex.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved and seconded to approve Resolution #05-29.

ON THE QUESTION:

Mayor Good indicated that he would be voting against the motion noting that Council should not just be concerned with “the bottom line” but to also make sure that the building is aesthetically pleasing and useful.

Council Member Javandel stated that there should be flexibility in all the options being discussed.

VOTE ON THE MOTION:

AYES: Council Members Javandel, Lieber, Maris & Okawachi

NOES: Mayor Good ABSENT: None

Motion carried and so ordered.

6-2. 2005-06 City Council Goals

(File #100-30)

The City Administrator presented the 2005-06 City Council Goals, which are divided into the following categories: Services, Land Use, Resources & Infrastructure. Submitted tonight is the first status report that includes each of the goals, its current status and next steps. For the infrastructure goals, staff has included a narrative on the status of current projects in the Capital Improvement Plan (CIP).

Discussion followed with the Council Members and the public asking various questions on some of the goals. Ms. Mara Duncan asked if a question could be added to the survey that is going out regarding additional tax money to see whether the voters would be willing to pay for financial support for additional upgrades to the Civic Center and to include community input regarding a green building. Council agreed but felt that

6-2. 2005-06 City Council Goals

the language should be worded very carefully so that the voters know that the City would be fiscally responsible.

Council discussed speed bumps and the cost to implement them. Council discussed the possibility of allowing residents to submit requests for speed bumps that have not been included. Staff responded that currently they are following the Traffic Management Plan and that currently all conform except for the one on Carmel, which came to Council as a separate item.

The City Administrator stated that Council needs to be aware that adding additional streets would take more of staff's time, which might mean that some other project will not be dealt with.

Council asked if a future item could be on the agenda regarding the Albany Bulb and its improvements.

7. NEW BUSINESS

7-1. Invitation to Bid and Award Contract for 2005 Street Resurfacing Project

(File #600-10)

The Public Works Manager reported that in 2004 the City Council approved an allocation of \$250,000 from Measure F funds for the 2005 Street Resurfacing Program and directed staff to prepare a recommended list of pavement improvements.

It is staff's recommendation to implement a paving improvement program beginning in July, 2005, that uses slurry seal treatment to extend the life of Albany streets that are in relatively good condition.

In future years, staff recommends a continued balanced program consisting of a combination of street sealing, street overlays, and reconstruction, as necessary should funding levels permit. The goal of implementing a balanced program is to expend resources in a cost-effective manner, using various treatments, such as overlays and reconstruction as recommended in the pavement analysis.

The Public Works Manager noted that of the \$250,000 allocation of Measure F funds, \$120,000 would be used to complete this project. The balance of the allocation is for a future contract for as-needed pothole repairs and patching (\$100,000) and for design and inspection costs (\$30,000).

Council Member Maris noted that basically staff is recommending extending the life of streets that are already in good shape. Council Member Maris stated that this process is not acceptable and the City needs to find money to fix the streets and would like to see a policy of looking at streets with a PCR of 30. Council Member Maris indicated that if the streets were not fixed now it would only become more expensive.

Council Member Lieber expressed concern about the number of trucks that are using the City residential streets, which are causing major damage.

7-1. Invitation to Bid and Award Contract for 2005 Street Resurfacing Project

Council Member Javandel stated that by looking at the map it appears that a good job is being done with the little amount of money that the City has to spend and to get out of the bind the City needs more revenue.

Council Member Javandel presented Resolution #05-26 – A Resolution of the Albany City Council Authorizing the City Administrator to Invite Bids and Award a Contract to the Lowest Responsible Bidder for Construction of the 2005 Street Resurfacing Project.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Lieber to approve Resolution #05-26.

ON THE QUESTION:

Council Member Maris mentioned the Measure F contingency fund noting if there was enough money left over from the Civic Center project that maybe it could be used for the streets.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Memorial Park, Terrace Park & Ocean View Park Rehabilitation Projects

(File #600-30)

The Recreation & Community Services (R&CS) Director reported that in 2004, the City Council approved the five-year Capital Improvement Plan (CIP). The CIP identifies various improvements to parks and recreation facilities that were recommended in the Master Plan for Parks, Recreation and Open Space, which was adopted on October 18, 2004.

In December, 2004, staff requested letters of qualifications from 17 firms of which 10 qualified firms expressed interest in the Memorial Park, Terrace Park & Ocean View Park projects. The top four firms were invited to submit a proposal and make a presentation to a committee made up of staff and a member of the Parks & Recreation Commission.

After consideration the Commission believes that John Cahalan, Landscape Architect, is the best firm for the project because the firm is small and John Cahalan would be the project leader and Principal in charge for the duration of the project.

The R&CS Director stated that for the three parks there is a total of \$200,000 allocated for planning and design. This allocation is sufficient to cover this contract in the amount of \$79,000 and a balance of \$121,000 remains for the second phase of the design services.

The Project Manager indicated that this project would have a phased approach with the first phase being the schematic and design. The second phase is the design and the third phase is the bidding process. The final stage is construction administration.

7-2. Memorial Park, Terrace Park & Ocean View Park Rehabilitation Projects

The bid process will begin in January, 2006, and the construction timing will be around March/April with the completion in September, 2006.

Mr. John Cahalan spoke to the Council indicating he is very aware of the cost constraints and is confident that the project will come in on budget and on schedule.

Council discussed this project asking many questions with a concern that no pesticides be used and that the area be toxic free and that the lighting be low impact and to save the environment as much as possible. Concern was expressed about the lack of shade at Memorial Park and suggested that the area around the play area be enclosed for the safety of the children. Another concern was the restrooms at Terrace Park noting that replacement was better than renovation due to the age and condition of the restrooms. Concern was expressed about the drainage and irrigation and impact to the athletes using the field.

Council Member Lieber presented Resolution #05-27 – A Resolution of the Albany City Council to accept the recommendation of the Albany Parks & Recreation Commission on Selection of John Cahalan, Landscape Architect to Provide Conceptual and Preliminary Design Services for Memorial Park Phase II, Terrace Park and Ocean View Park Rehabilitation Projects; and 2) Authorizing the City Administrator to Execute a Contract with John Cahalan, Landscape Architect, in an Amount Not to Exceed \$79,000 for These Design Services.

ON THE QUESTION:

Ms. Nan Wishner, Ms. Mara Duncan & Ms. Kim Linden supported a City policy to prohibit pesticides or chemicals and that the grass be strong enough to stand up to the wear and tear.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Albany Veteran's Memorial Building (File #320-55)

The Recreation & Community Services (R&CS) Director stated that in 2004, the City Council adopted the Parks, Recreation and Open Space Master Plan. The Master Plan identified the Albany Veteran's Memorial Building as an existing facility that could meet the need for additional indoor recreational space. The City Council directed staff and the Park Commission to explore the feasibility and financial obligations resulting from obtaining this building from Alameda County for use as a recreation center.

Prior to any future negotiations with Alameda County for the possible transfer of ownership of the building it is absolutely necessary to have a thorough understanding of the building's current condition. An architectural and engineering report will provide the City with that information.

7-2. Albany Veteran's Memorial Building

The R&CS Director reported that the \$25,000 for this report would be allocated from the Measure F reserve of \$1.2 million that has been set aside for parks and recreation projects.

Council discussed this issue asking various questions including concern that \$25,000 will not be enough money to do an adequate job. Noted that the Historical Society is very excited about the prospect of space in the building for the historical material. Some interest was articulated regarding looking at other alternatives that would include moving the City Council Chamber to the Veteran's Memorial Building. Another suggestion was to use the room with the stage for Community Theater.

Council Member Lieber presented Resolution #05-25 - A Resolution of the Albany City Council Approving the Recommendation of the Albany Parks & Recreation Commission that the City Council Allocate \$25,000 from Measure F Funds to be Used for the Costs Associated with Obtaining Two Reports: 1) A Renovation Re-Use Report and 2) A Combined Architectural and Engineering Analysis to Determine the Seismic, ADA, Electrical, Structural and Code Compliance Upgrades Necessary and Associated Costs to Retrofit the Albany Veteran's Building for Use as a Community Recreation Center.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

Council Member Maris reported on the following meetings that he attended:

- Cities of Albany & Berkeley – working together on the Waterfront issues
- Housing Authority
- Sports field JPA

Council Member Maris announced that on Sunday, May 22, the Albany Foundation and the City of Albany are sponsoring an Arts & Music Festival.

Council Member Javandel reported on the following meetings he attended:

- Meeting with Rick Caruso, Waterfront developer

Council Member Lieber reported on the following meetings he attended:

- Sacramento – Issues with cities that have a U.C. or CSU Campus.

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

10. ADJOURNMENT

10:30 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