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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, JUNE 20, 200**

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**7:00 p.m.**

**EXECUTIVE SESSION**

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

Agency Negotiator:	City Administrator
Employee Organization:	Albany Municipal Services JPA

**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; Richard Cunningham, Public Works Manager; Judy Lieberman, Assistant City Administrator; Charles Adams, Finance & Administrative Services Director.

**3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION**

Mayor Good stated that Council met in Executive Session regarding labor negotiations but 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, June 6, 2005.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$182,113.52; taxes, benefits & withholdings in the amount of \$125,397.96. Total payroll in the amount of \$307,511.48. Payroll period: 06/10/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$43,279.86; taxes, benefits & withholdings in the amount of \$28,718.34. Total payroll in the amount of \$71,998.20; Payroll period: 06/10/05.

Staff recommendation: Ratify.

**4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$517,782.58. Period: 05/20/05.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$29,215.03. Period: 06/01/05.

c. Ratification of bills, claims & demands against the City of Albany in the amount of \$182,369.58. Period: 06/03/05.  
(File #300-40)

Staff recommendation: Ratify.

- 4-4.** Renewal of a Special Lease Agreement with Albany Preschool to use the City owned building at 850 Masonic Avenue for Preschool activities.  
(File #600-20)

Staff recommendation: 1) The Albany Parks and Recreation Commission recommends renewal of the Special Lease Agreement with the Albany Preschool. 2) Authorize the City Administrator to execute the five-year special sue agreement with the Albany Preschool for the continued use of the City owned building at 850 Masonic Avenue, as a Preschool.

- 4-5.** Resolution #05-31 – A Resolution of the Albany City Council Authorizing the City’s Participation in the Alameda County Operational Area Emergency Management Organization.  
(File #600-40)

Staff recommendation: Approve Resolution #05-31.

- 4-6.** a. Resolution #05-35 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 for the 2005-06 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972) and Setting a Public Hearing for July 5, 2005, on the Proposed Assessments.  
(File #360-20)

b. Resolution #05-37 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1996-1 for the 2005-06 Fiscal Year (Pursuant to the Landscaping & Lighting Act of 1972) and Setting a Public Hearing for July 5, 2005, on the Proposed Assessments.  
(360-60)

Staff recommendation: Approve Resolution #05-35 & #05-37.

- 4-7.** Request from the Solano Avenue Association for an Encroachment Permit, waiver of fees and a \$5,000 contribution for the Solano Stroll to be held on September 11, 2005.  
(File #820-50)

Staff recommendation: 1) Direct staff to issue a no fee encroachment Permit to the Solano Avenue Association for the 200 5 Solano Stroll event, scheduled for Sunday, September 11, 2005. 2) Contribute \$5,000 to the Solano Avenue Association to assist in putting on the 2005 Solano

Stroll. 3) Waive fees for on-site paramedics to be on-site from 9:00 a.m. to 6:30 p.m.

- 4-8.** Request for Temporary Street Closure around Memorial Park for the July 24, 2005 “Albany Criterium” Bike Races.  
(File #820-70)

Staff recommendation: Approve request by Bicycle Club to close off the streets immediately around Memorial Park (and Albany High School) on July 24, 2005 from 7 a.m. to 4:30 p.m. for the annual “Albany Criterium” bike races.

- 4-9.** Call for bids and Award of Contract for Lower Codornices Creek Restoration, Phase II – Contract #05-05.  
(File #600-10)

Staff recommendation: Authorize the City Clerk to invite bids and authorize the City Administrator to award a contract not to exceed \$1,000,000 for Lower Codornices Creek Restoration – Phase II, Contract #05-05.

- 4-10.** Appropriation of funds for support of Albany Chamber of Commerce.  
(File #330-20)

Staff recommendation: Approve \$19,000 in funds for FY2005-06 to support the Albany Chamber of Commerce.

- 4-11.** 2005/06 Additional Library Services Contract.  
(File #600-40)

Staff recommendation: 1) Authorize the Mayor to execute an agreement with Alameda County Library in the amount of \$426,075 for 21.5 hours per week of library services for FY 2005/06. 2) Direct staff to budget \$3,000 from the Library Tax Fund to the 2005/06 City budget for building monitor services.

Mayor Good asked if anyone would to remove an item from the Consent Calendar and the following items were removed for discussion: Item 4-9 & 4-10.

**4-9.** Council Member Maris stated that the Phase I looks great and would encourage everyone to go and look at the bridge. Council Member Maris asked a question regarding the cost of the next phase.

**4-10.** Council Member Javandel spoke on the funding for the Chamber of Commerce noting that the Chamber requested \$23,000 and the City is recommending \$19,000. Council Member Javandel stated that the Chamber has done a lot for the City

especially with the green business and asked if the City could in anyway match the Chamber's request.

All the Council Members agreed that the Chamber does a lot and would like to increase the amount if possible.

Mr. James Carter, Executive Director, went over the expenses noting that the Chamber has been in the deficit for the past 4-5 years and if it continues it will have to be closed.

Mr. Ray Anderson and Mr. Robert Cheasty both spoke on behalf of the Chamber urging the Council to try and find additional money.

The Council discussed this matter and finally came up with an additional amount of money but requested the Chamber provide accountability to the City. The consensus of the City Council was to give the Chamber \$21,000.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar as submitted with the noted change in the amount given to the Chamber of Commerce.

**ON THE QUESTION:**

Council Member Maris stated that he would recuse himself on the approval of the minutes, as he was not present at the meeting. The City Clerk noted that this would be reflected in the minutes.

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. Presentation to Retiring Albany Teachers**

Mayor Good stated that tonight the City Council would like to honor the Teachers who are retiring from the Albany Unified School District. Mayor Good read the names of the following Teachers and asked them to come forward so that he could present their Certificate: Joan Sextro, Mary Schultz, Salvatore Ferrito, Rich Salisbury, Anne Hiller, Mary Ronfeldt and Sonia Zulpo-Kloetzly.

All the Council Members thanked the Teachers for their hard work and dedication to the children of Albany. It was noted that Ms. Sextro was recognized by the Albany Community Foundation as Artist of the Year.

**5-2. Alameda County Housing Authority**

(File #140-45)

Ms. Ophelia Basgal, Executive Director, Alameda County Housing Authority, went over the various programs offered to the residents of Albany including Section 8

**5-2. Alameda County Housing Authority**

housing. Ms. Basgal reported that currently the County has 36 people in Albany who are in the Section 8 housing program.

Mr. Evan Flavell mentioned that Albany is considering in-lieu fees regarding the inclusionary housing program and asked if the County would be able to help with the administration of the program. Ms. Basgal responded that she certainly would look into this and that there is a good possibility that the County could help.

**5-3. Recognition of City Clerk's 30 Years of Service**

Mayor Good stated that this presentation is not on the agenda but the Council would like to recognize and thank Jacqueline Bucholz, City Clerk, for her 30 years of dedicated service to the City of Albany.

Mayor Good presented the City Clerk with a plant and card from the City Council. Each Council Member individually spoke and thanked the City Clerk.

**6. UNFINISHED BUSINESS****6-1. Albany Sports Field Use Working Group**  
(File #600-30)

The Recreation & Community Services (R&CS) Director reported that in 2004 the City Council approved a contractual agreement with the Albany Little League to maintain Ocean View Field in the amount of \$1,050 a month for a total of \$12,600 for a one-year period. However, the contract addressed maintenance only and did not resolve other issues regarding the use of the City's sports fields including financial issues, down time and enforcement, field scheduling, capital improvements and future issues.

The Council then approved that a Field User Working Group be formed, which is comprised of one Council Member, two Park & Recreation Commissioners, Recreation & Community Services Director, Public Works Manager and representatives of local field uses groups.

The Working Group is now recommending that the contract with the Albany Little League be revised and expanded to include field maintenance at both Ocean View and Memorial Fields and that the period be from September 2005 through June, 2006.

The goal of the Working Group is to bring additional recommendations to the Council in early 2006 that will address the on-going costs of maintaining Albany's sports fields to a standard that is acceptable to field users and the community at-large.

The Recreation & Community Services Director noted that the contract would be for an amount not to exceed \$22,000 for the 10-month period of September 2, 2005 through June 2006. The money will come from the interest revenue from Measure R for ball field funds.

In 2006 a modification to the contract would be necessary, as Memorial field will not need maintenance due to construction but Ocean View field will need continued maintenance.

### **6-1. Albany Sports Field Use Working Group**

Mr. Leif Magnuson and Mr. Roger Carlsen both spoke to the Council urging them to approve the staff's recommendation. It was noted by the speakers that the Albany Unified School District needs to be bought into the picture and Council Member Maris responded that he agrees and will work to make it happen.

**MOTION:**

Moved by Council Member Maris, seconded by Council Member Javandel to 1) Receive the quarterly report from the Albany Sports Field Use Working Group. 2) Approve the recommendation made by the Albany Parks & Recreation Commission to revise and expand the Albany Little League's field maintenance contract to include field maintenance at both Ocean View and Memorial fields. 3) Authorize the City Administrator to enter into a revised contract for an amount not to exceed \$22,000 for maintenance of Ocean View and Memorial fields for the period from September 1, 2005 through June 30, 2006.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## **7. NEW BUSINESS**

### **7-1. Revision of the General Fund Operating Budget for FY 2005-06**

(File #330-20)

The Finance & Administrative Services (F&AS) Director reported that staff's review of revenue projections for FY 2005-06 indicate that revenues will be approximately \$170,000 below the original projection. The largest projected decrease is \$245,000 in property transfer tax, a component of the Other taxes category. The second largest projected decrease is \$100,000 for vehicle and parking fines. The third major projected decrease is \$73,000 in racetrack revenues. The major offset to these declines in revenues is an increase of \$237,000 in projected sales tax revenue. The increase in the sales tax projection is a combination of expected revenue from Target and other new retail stores, and the shifting of revenue from FY 2004-05 to 2005-06, as a result of the State's "Triple Flip" reconfiguration of revenues.

The F&AS Director stated that expenditures are projected to increase by \$160,000 over the original budget. The major component of this increase is employee benefits, which are projected to increase \$190,000.

The increases and decreases to revenues, expenditures and transfers yield a net change of \$1,362 between the adopted and revised budgets; therefore, adoption of the revised budget has no overall impact on the projected financial condition of the City. Adoption of the revised budget will provide a more accurate and useful tool for controlling the financial affairs of the City, thereby increasing the assurance that the City will remain financially sound.

Council discussed the revised budgets with comments relating to a schedule of when the Reinvestment Agency will pay its debt to the General Fund. Also that the City

**7-1. Revision of the General Fund Operating Budget for FY 2005-06**

needs rationale for what are appropriate reserves funds and this should be discussed at a future Council meeting.

Council Member Javandel presented Resolution #05-34 – A Resolution of the Albany City Council Revising and Approving the 2005-06 City of Albany General Fund Operating Budget.

**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 #05-34.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7-2. Revised Master Fee Schedule**

(File #100-90)

The City Administrator stated that she is recommending that this item be continued to July 5, 2005, as the Master Fee Schedule was not included in the packet.

**MOTION:**

Moved by Council Member Maris, seconded by Council Member Lieber to continue this item to July 5, 2005.

Motion carried and so ordered.

**7-3. Contributions to City, Non-Profit, Local Public Agencies, Individuals and Other Organizations for Albany Projects or Program**

(File #100-30)

The City Administrator reported that there is \$2,500 available to be appropriated to a City project or program or for contribution to a non-profit, local public agency, individual, or other organizations for a one-time project or program. A Council subcommittee consisting of the Mayor and Vice-Mayor reviewed the grant applications.

Mayor Good stated that six (6) applications were submitted, as follows: 1) Boss Homeless Shelter. 2) Berkeley Food Project. 3) Jewish Family Services. 4) Susan Moffatt – Waterfront Project. 5) Rebuilding Together. 6) Bobcat Youth Football.

The Council discussed all the applications in detail with each Council Member allotting a certain amount of money to the group they believed should get the funding. Council also noted that they would like staff to appropriate additional money.

The Assistant City Administrator stated that there is a total of \$3200 available in that line item.

The following people spoke regarding this issue: Mr. Roger Carlsen; Ms. Mara Duncan and Susan Moffat. A summary of their comments is as follows: Disagreed with the Bobcats obtaining any funding, as this sets a precedent for all the other sports groups to ask for money. Human Service needs are so great and the money should go to that type of group. Responded to suggestion that the display should include reference to the East

**7-3. Contributions to City, Non-Profit, Local Public Agencies, Individuals and Other Organizations for Albany Projects or Program**

Bay Shoreline Park. The response was that the display is down right now but would be happy to add anything the Council believes is appropriate.

After much discussion and different allocations being discussed the Council came up with the following funding allocation.

**MOTION:**

Moved by Mayor Good, seconded by Council Member Javandel to allocate funding – a total of \$3,200 to be allocated, as follows: BOSS Homeless Shelter - \$900; Berkeley Food & Housing Project - \$900; Susan Moffat - \$500; Rebuilding Together - \$900.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

10:10 p.m. – Council Recessed

10:20 p.m. – Council Reconvene

**7-4. Council Member Lieber Presenting Results of an Albany Waterfront Project Opinion Survey**

(File #490-85)

Council Member Lieber stated that Evans/McDonough Company, Inc, Opinion Research & Strategic Services (EMC), conducted a survey, which was done by concerned citizens of the East Bay.

Council Member Lieber commented that the survey was done to find out what people want to see at the Waterfront and it told him that they want a park not development and hopes that the people who want development will understand that it will not happen.

Mr. Brian Parker presented the survey and went over the highlights of the survey.

Council Member Okawachi asked Mr. Parker who the concerned residents of the East Bay are? Mr. Park responded that he raised the money over a period of 15 months with Albany residents and Albany business owners contributing.

The following people spoke regarding the survey: Ms. Dianne McNenny, Albany resident & President of the Albany Education Foundation; Ms. Lubov Mazar, Albany resident; Ms. Virginia Brothers, Albany resident; Ms. Kristina Osborn, Albany resident; Mr. Geoff Pillar, Albany resident; Ms. Marsha Skinner; Albany resident; Mr. Jack Rosano, Albany resident; Mr. Howard McNenny, Albany resident; Mr. Ray Anderson, Albany resident; Ms. Joan Larsen, Albany resident; Mr. Matt Middlebrook. Mr. Bob Outis, Albany resident; Ms. Thelma Rubin, Albany resident; Mr. Michael Mazar, Albany resident; Ms. Sally Outis, Albany resident; Mr. William Dann; Albany resident; Ms. Mara Duncan, Albany resident; Mr. Robert Cheasty, Albany resident.

Following is a summary of their comments: Very concerned that the Albany Education Foundation name was used in the survey noting that the Foundation does not

#### **7-4. Council Member Lieber Presenting Results of an Albany Waterfront Project Opinion Survey**

support any political issue and does not want to be associated with any political issue. Currently there are no plans for the Waterfront and when there is it will go to the voters, pursuant to Measure C. The survey was very confusing. Noted that a lot of people are not against development, as the City needs some financial help but definitely would not want to see a mega mall at the Waterfront. Very concerned that a Council Member presented this survey and shut down discussion. Spoke about the process and not clear about the purpose of the survey. Took exception to comments by the Council Member who presented the survey. Commented that this is a classic "push poll". Want to know who participated in funding the survey. Commented that the racetrack has not presented any plans or drawings at this time. Want to know how much money was spent on the survey. Concerned that a Council Member is telling the public that they have no right to anything at the racetrack and noted that this attitude is insulting. The citizens have a right to be concerned about future funding for the City and do not believe the racetrack is leaving any time soon. Mentioned that the racetrack revenues are declining and does not want a mega mall at the Waterfront. Commented that Council Member Lieber does want what is best for the community and believes this survey will open up dialogue in the community. Spoke about CESP and the Sierra Club proposal and that the Waterfront should be protected.

#### **MOTION:**

Moved by Council Member Javandel, seconded by Council Member Lieber to approve extending the meeting past the 11 p.m. deadline.

Motion carried and so ordered.

Council Member Lieber asked Mr. Middlebrook about the survey that Caruso Affiliates performed and the political teas that are hosted by Caruso. Mr. Middlebrook responded that yes Caruso Affiliates have done a survey but have not released the results. Mr. Middlebrook responded that Caruso Affiliates have paid for the invitations to the various teas hosted in individual homes and for professional telephone calls.

Council Member Lieber stated that tonight is the first time that he has heard the response of who paid for the survey.

Mayor Good stated that the survey was interesting and the City does need a plan if the racetrack does leave Albany.

Council Member Okawachi stated that again she would like an answer to the question of who funded the survey. Council Member Okawachi commented that she did question the appropriateness of the survey and noted that she believes the Council must keep an open mind.

Council Member Maris indicated that most people want to see a significant State park but also realize that reasonable development is also needed. Council Member Maris stated that the survey is full of holes and noted that real question is what will happen when the racetrack leaves; however, Measure C will take care of that question.

Council Member Lieber reiterated that this survey was not done by the Council but is a private survey.

Council Member Javandel stated that it is clear that dialogue is needed and that there are two sides to this issue and believe that most people would like to see a park with

**7-4. Council Member Lieber Presenting Results of an Albany Waterfront Project Opinion Survey**

limited development. Council Member Javandel commented that when a specific proposal is given it would have to be voted on per Measure C.

No Council action was taken on this issue.

Mayor Good asked the Council if the remaining items could be held over due to the lateness of the evening.

The consensus of the Council was to hold over item 7-5 – Mayor Good submitting proposed Charter Amendment regarding Council pay and an advisory measure regarding Marijuana Dispensaries.

**8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS**

**8-1. Monday, July 4, 2005,** 4<sup>th</sup> of July Celebration at Memorial Park, 11 a.m. through 4 p.m.

**8-2.** City offices will be closed on **Monday, July 4, 2005,** in celebration of the Holiday. The regular scheduled City Council meeting will be held on **Tuesday, July 5, 2005, beginning at 8:00 p.m.**

**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.

**10. ADJOURNMENT**

**11:45 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.

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ROBERT GOOD  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK