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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN SPECIAL SESSION, 1000 SAN PABLO AVENUE**  
**MONDAY, OCTOBER 10, 2005**

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**8:00 p.m.**

Mayor Good who led the Pledge of Allegiance to the Flag called the special 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; Judy Lieberman, Assistant City Administrator;  
Ann Chaney, Community Development Director; Brian Crudo, Fire Marshal;  
Robert Zweben, City Attorney; Amanda Bennett, Planning Clerk

**3. CONSENT CALENDAR**

**3-1.** City Council minutes, September 19, 2005.

Staff recommendation: Approve.

**3-2.** a. Ratification of City of Albany net payroll in the amount of \$178,026.14; taxes, benefits & withholdings in the amount of \$193,944.67. Total payroll in the amount of \$371,970.81. Payroll period. 09/16/05.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,112.10; taxes, benefits & withholdings in the amount of \$46,136.75. Total payroll in the amount of \$90,248.85; Payroll period: 09/16/05.

c. Ratification of City of Albany net payroll in the amount of \$178,026.14 (additional payrolls \$922.32); taxes, benefits & withholdings in the amount of \$125,427.46 (additional \$181.29). Total payroll in the amount of \$303,453.60 (additional \$1,103.61). Payroll period: 09/30/05.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,184.38; taxes, benefits & withholdings in the amount of \$32,887.66. Total payroll in the amount of \$78,072.04. Payroll period: 09/30/05.

Staff recommendation: Ratify.

**3-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$505,079.68. Period: 09/09/05.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$352,627.14. Period: 09/23/05.

Staff recommendation: Ratify.

**3-4.** Ratification of Police & Fire Pension payments in the amount of \$101,347.46 for the month of September 2005.

Staff recommendation: Ratify.

**3-5.** Approval and Acceptance of Contract No. 04-04, San Pablo Avenue Sewer Rehabilitation.

Staff recommendation: Approve Resolution #05-52 – A Resolution of the Albany City Council Approving and Accepting Improvements, and Directing the Filing of the Notice of Completion for Contract No. 04-04, San Pablo Avenue Sewer Rehabilitation.

**3-6.** ACTA Amendment No. 1 to the 1986 Expenditure Plan.

Staff recommendation: That the City Council Adopt Resolution No. 05-51 A Resolution of the Albany City Council Authorizing the City of Albany Approval of Amendment No. 1 to the Alameda County Transportation Expenditure Plan, Dated August 1986.

**3-7.** Nomination to the Alameda County Housing Authority Housing Commission.

Staff recommendation: Reappoint Council Member Maris for a four-year term beginning January 1, 2006 and ending on December 31, 2009; and

authorize the Mayor to send a Letter of Nomination to the Alameda County Board of Supervisors.

**3-8. Disaster Preparedness Kits for Albany residents.**

Staff recommendation: That Council appropriate \$5,000 from its discretionary funds to purchase disaster preparedness kits to sell to Albany residents.

Mayor Good asked if anyone would like to remove an item for discussion and Council Member Maris removed Item 3-1 because he would like to clarify something in the draft minutes with the City Clerk.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Lieber to approve the Consent Calendar, removing item 3-1 as discussed.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**4. GOOD OF THE CITY/PUBLIC FORUM**

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

Ray Anderson, Madison Street, noted that the mortuary building on San Pablo Avenue would be demolished soon due to approved new construction. He would like the City to consider saving some of the older buildings in Albany, and mechanisms for doing so.

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

**5. PRESENTATION/ PUBLIC HEARING/HEARING**

**6. UNFINISHED BUSINESS**

**6-1. Golden Gate Fields Property.**

City Administrator Pollard reported that staff had generated the requested fact sheet, and it was included as an attachment to the staff report. Also included was information requested by City Council, regarding: parks, open space, and trails; planning for the departure of the racetrack; maintaining revenues for the City of Albany and the Albany Unified School District; and asking the Parks & Recreation Commission and the Waterfront Committee to plan a waterfront park.

Ms. Pollard also noted that the Waterfront Committee had put forth a recommendation that the Council start a community planning process to create a waterfront master plan funded by the City and independent of any development proposal. Staff recommended that if Council wished to take action on this recommendation, that the

item be agendaized for a future meeting. It was noted that the City's 2003-2004 community visioning workshops on Golden Gate Fields had produced a substantial amount of input from the public on ideas for the future of the property.

In September, Albany residents received a letter from Rick Caruso of Caruso Affiliated indicating his intention to submit a development proposal for the Golden Gate Fields property. Staff suggested retaining consultants in fields such as law, planning, environmental review, and economics in order to be able to respond to the development application; costs to be reimbursed by the applicant.

Also attached was a memorandum from the City Attorney addressing: waterfront zoning history; a brief history of applications related to development proposals on the Golden Gate Fields' private property at the waterfront; future planning at the waterfront; and related legal matters.

Ms. Pollard recommended that the Council: direct staff to post the fact sheet on the City's web site in a location designated for City documents and information on the Golden Gate Fields property; direct staff to establish a consultant team to advise the City on the Golden Gate Fields property; and authorize staff to establish a reimbursement agreement with Caruso Affiliated to pay for the City's staff time and consultant services.

Mayor Good thanked staff for the hard work and comprehensive fact sheet. He looked forward to seeing the proposal from Caruso. Council Member Okawachi suggested hearing from members of the public first. Mayor Good asked for a show of hands of those who wished to speak. He asked that people limit their comments to five minutes. He invited Golden Gate Fields representatives to speak first.

Peter Tunney, Golden Gate Fields, handed in a statement, and read it aloud. The main points were the assertion that the racetrack would not be closing in the near future, and they are committed to working with the community on their proposed development. Rick Moses, Caruso Affiliated, stressed that he had been working with the community, and would continue to do so. He opined that a separate process as recommended by the Waterfront Committee would be redundant.

Robert Cheasty, Citizens for Eastshore State Park and Sierra Club member, complimented staff on the fact sheet. He was concerned that if the developer paid the costs of the review of the application that the process would not be independent. He would prefer a park to a retail development.

Zelnora Camero, 815 Evelyn, was in favor of seeing the Caruso proposal, and letting the citizens vote on it.

Sidney Madson, Pomona Avenue, felt the Ohlone people should be included in the process. She favored sustainable land use.

Lubov Mazur, Ordway Street, noted that if Albany turns down a Caruso proposal, they could develop on their land in Berkeley instead.

Jean Safir, Neilsen Street, was impressed with the thoroughness of staff's fact sheet preparation. She was concerned that the staff recommendation was to hire consultants before the application was submitted. Mayor Good explained it was to authorize looking into the future availability of various consultants.

Ann Berry, Ventura Avenue, wanted to hear the proposal first, then decide about using consultants.

Bill Dann, Stannage Avenue, also a Waterfront Committee and Citizens for the Albany Shoreline member, thinks the racetrack will close. He also opined that the voters would defeat any development proposal.

Ray Anderson, Madison Street, stated he agreed with Ms. Berry, and disagreed with Mr. Dann.

Laura McConnell, Albany resident, thought that right next to the freeway might not be the best place for a park. She asked whether the City could oust the racetrack via eminent domain. City Attorney Zweben indicated it would either take many years of litigation or a lot of money to acquire the land from the owner.

Howard McNenny, 1039 Santa Fe, Waterfront Committee chair, stated that the people of Albany want the asphalt ripped out, and that there is a chance for a significant amount of park land.

Ann Clifford, Evelyn Avenue, felt protective of the beach, but not opposed to some development. She felt a separate City process would slow things down too much, and it would be best to leave the decision to the voters.

Sally Outis, 952 Ventura, spoke on behalf of herself and her husband who could not attend the meeting. She commended Council for directing staff to generate the fact sheet. She thanked staff for their work preparing it. She was concerned about a parallel process. The 1985 Albany Waterfront Specific Plan called for commercial and recreational uses – parks and businesses. She recommended leaving the decision to the voters. She did not think the racetrack would close anytime soon.

Peggy Thomsen, Albany resident, felt the staff recommendation was fiscally responsible, and wanted the voters to decide.

Mike Goldman, 972 Peralta, stated Albany prides itself on being a small town, but should not behave provincially. He wants to see the proposal.

John Carsano, Albany resident, did not want a separate process. He wanted the voters to decide.

Michael Mazur, Ordway Street, wants to see the proposal.

Carol O'Keefe, Jackson Street, wants the voters to decide. She complimented staff on the fact sheet.

Mara Duncan, Solano Avenue, thanked staff. She was concerned that the process would not be independent if funded by the developer. She noted that the plan cited earlier was 20 years old. She felt that if the racetrack stayed, the rest of the land could be a park. She would favor some kind of green development.

Marge Atkinson, Key Route, would not want the view of the bay blocked. She would like to see a park down there. She likes small-town shopping on Solano.

Brian Parker, 1127 Garfield, supported a separate planning process (not application-driven). He felt the racetrack would leave if not allowed to convert into a casino. At that time, the whole property could be turned into a park.

No one else wished to speak at this time. Mayor Good brought the discussion back to the Council. City Administrator Pollard noted that the Waterfront Committee had some suggestions for reformatting the fact sheet, and that Norman LaForce of the Sierra Club had submitted a letter requesting addition of some information.

City Attorney Zweben explained that applicants are always charged a fee for staff review time, and the proposed reimbursement agreement is typical for a larger project

such as this. Council Member Javandel supported getting the consultants lined up. He thanked staff for the fact sheet, and looks forward to the citizens voting on the proposal.

Council Member Lieber thanked staff. He is in favor of a park. He looks forward to the application, and wants a truly independent process. He wants the City to plan for the possibility of the voters defeating the proposal.

Council Member Okawachi thanked staff. She stated she is keeping an open mind, and will evaluate the proposal when it comes forward. Council Member Maris thanked everyone for coming, and stated he saw no notice in the Albany Journal. He thinks the voters will reject any proposal that does not include a significant amount of parkland. He also thinks most people favor limited development at the site. He praised the fact sheet.

**MOTION:**

It was moved by Council Member Javandel and seconded by Council Member Maris to: direct staff to post the fact sheet on the City's web site in a location designated for City documents and information on the Golden Gate Fields property; direct staff to establish a consultant team to advise the City on the Golden Gate Fields property; and authorize staff to establish a reimbursement agreement with Caruso Affiliated to pay for the City's staff time and consultant services.

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

NOES:

ABSENT: None

Motion carried and so ordered.

**7. NEW BUSINESS**

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

**8-1. Proclaiming the week of October 9 –15, 2005, as Fire Prevention Week in the City of Albany.**

Fire Marshal Crudo spoke in favor of the proclamation. He also announced that there would be a pancake breakfast on Saturday from 8:00 a.m. to 12:00 p.m.

The City Council unanimously proclaimed the week of October 9-15, 2005 as Fire Prevention Week in the City of Albany.

Mayor Good reported on the League of California Cities meeting, where the vote to endorse Proposition 76 was 134-125 (Mayor Good voted against).

Council Member Lieber reported the Albany Unified School District Facilities Committee was discussing the possibility of turning some of their properties into mixed-use with low income housing for fire, police, and teachers.

Council Member Maris had heard at block parties that there is a desire for disaster preparedness. He attended a Congestion Management Agency meeting, and street-paving money may soon become available.

Council Member Javandel also attended the League of California Cities meeting, and learned more about polling. He thanked staff for the work on the Marin Avenue re-striping.

Council Member Okawachi announced Red Ribbon Week beginning October 22, to teach avoidance of drug use. The Prevention Council is purchasing bookmarks and will be distributing them.

Council Member Lieber noted that this was the first televised meeting, as part of an outreach effort to be more inclusive. He hoped people watched the meeting at home, and benefited from the broadcast. He thanked staff and everyone responsible for the broadcast. Mayor Good welcomed feedback from the television audience.

**9. ADJOURNMENT**

10:00 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Amanda Bennett, Planning Clerk.

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ROBERT GOOD  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK