

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, NOVEMBER 21, 2005

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; Barbie Gary, Recreation Program Coordinator; Ann Chaney, Community Development Director; Ed Phillips, Interim Planning Manager; Billy Gross, Associate Planner; Rich Cunningham, Public Works Manager; Aaron Walker, Personnel Manager.

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.)

3-1. City Council minutes, November 7, 2005.

Staff recommendation: Approve.

3-2. a. Ratification of City of Albany net payroll in the amount of \$180,982.93; taxes, benefits & withholdings in the amount of \$199,806.00. Total payroll in the amount of \$380,788.93. Payroll period. 10/28/05.

3. CONSENT CALENDAR

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$41,576.29; taxes, benefits & withholdings in the amount of \$46,295.56. Total payroll in the amount of \$87,871.85. Payroll period: 10.28/05.

c. Ratification of City of Albany net payroll in the net amount of \$176,127.73; taxes, benefits & withholdings in the amount of \$135,960.77. Total payroll in the amount of \$312,088.50. Payroll period: 11/10/05.

d. Ratification of Albany Municipal Services JPA in the net amount of \$43,131.13; taxes, benefits & withholdings in the amount of \$33,433.78. Total payroll in the amount of \$76,564.91. Payroll period: 11/10/05.

Staff recommendation: Ratify.

3-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$211,270.47. Period: October 21, 2005.
(File #300-40)

Staff recommendation: Ratify.

3-4. Resolution #05-57 – A Resolution of the Albany City Council Approving the Memorandum of Understanding Between City of Albany and Albany Peace Officers’ Association (APOA).
(File #730-40)

Staff recommendation: Approve Resolution #05-57.

3-5. Resolution #05-58 – A Resolution of the Albany City Council Re-Delegating Investment Authority to the City Treasurer and Adopting the Investment Policy for the City of Albany.
(File #320-40)

Staff recommendation: Approve Resolution #05-58.

3-6. Resolution #05-59 – A Resolution of the Albany City Council Accepting Improvements as Complete and Directing the Filing of the Notice of Completion for Contract No. 04-10 and 04-10A – 2004 Surface Seal

3. CONSENT CALENDAR

Program (Slurry Seal) and 2004 Surface Seal Program (Full Depth Repairs).
(File 600-30)

Staff recommendation: Approve Resolution #05-59.

3-7. Council Member Maris appointing Nick Pilch to the Traffic & Safety Commission.

Staff recommendation: Information only.

**3-8. Ordinance #05-06 – An Ordinance of the Albany City Council Amending Chapter XX, Planning and Zoning, of the Albany Municipal Code to Add Provisions on Housing. Second Reading – Pass-to-Print.
(File #450-20)**

Staff recommendation: Adopt Ordinance #05-06 for Second Reading – Pass-to-Print.

**3-9. First Quarter Fiscal Year 2005-06 Financial Statements and Projection.
(File #330-20)**

Staff recommendation: Information only.

Mayor Good asked if anyone would like to remove any items from the Consent Calendar. The following items were removed for discussion: Item 3-1 and 3-5.

3-1. Council Minutes, November 7, 2005.

Council Member Lieber stated that during the discussion on the rehabilitation of the parks he made a motion, which was not seconded but for which there was Council consensus, that the City would not use pesticides and herbicides as part of the parks rehabilitation project and for trimming only of the trees at Ocean View Park. Council Member Lieber stated that he would like the minutes to reflect this.

The City Administrator stated that was not staff's understanding but would have the tapes checked. If the motion were not made, this item would come back as an agenda item for Council consideration.

3-5. Resolution #05-58 - Investment Policy.

Council Member Lieber asked that this item go back to staff for clarification on what the City invests its money in.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Lieber to approve the Consent Calendar, as submitted with the exception of Items 3-1 & 3-5.

VOTE ON MOTION:

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

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.

Mr. Leon Rimov, Albany resident, spoke about the Creekside Project at El Cerrito Plaza.

Robert Outis spoke about the proposed Safeway store expansion plan.

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

5. PRESENTATION/PUBLIC HEARING

5-1. Presentation of Certificate of Appreciation

Mayor Good and Council Member Maris presented the following organizations groups with a Certificate of Appreciation for their participation in developing the Gilman Street Ball Fields, which are expected to start construction in the spring: Cities of Albany, Berkeley, El Cerrito, Emeryville, and Richmond; Albany-Berkeley Softball; Albany Little League; Citizens for Eastshore State Park; Sierra Club; Golden Gate Fields; Association of Sport Field Users; Audubon Society; East Bay Regional Parks District; State Parks and Golden Gate Fields.

5-2. Appeal of Planning & Zoning Commission Decision Regarding Design Review at 824 Ramona Avenue
(File #450-50)

The applicant, Ava Ng, requested approval to build a 981 square foot, two-story addition at the rear of the existing 450 square foot house, resulting in a total area of 1,431 square feet. The total building height would increase from 15 feet to 24 feet 6 inches. Two off-street parking spaces are proposed to be located in the rear and side yards on the south side of the property.

An appeal was filed by Rick Zawalski, property owner to the direct north, and Bernard Knapp, property owner to the rear, on the basis of: The mass and scale of the long and narrow design overwhelms the lot and is out of character for the neighborhood.

5-2. Appeal of Planning & Zoning Commission Decision Regarding Design

The design of the addition unnecessarily covers a large portion of the yard and will block sunlight to neighboring structures.

The Associate Planner reported that the Planning and Zoning Commission determined that the proposed two-story addition to a single family residence was suitable for the proposed location and made the required findings to support approval of the Design Review applications, as stated in the September 27, 2005, Notice of Action.

Mayor Good opened the public hearing and the following people spoke in favor of the application: Ms. Ava Ng, applicant; Mr. Y.M. Chung, architect for the proposed addition.

The following people spoke against the application: Mr. Rick Zawalski, Tulare Avenue; Mr. Bernard Knapp, Pomona Avenue.

There being no one else wishing to speak Mayor Good closed the public hearing.

MOTION:

Moved by Council Member Okawachi, seconded by Council Member Maris to uphold the Planning & Zoning Commission decision to approve Planning Application 05-037, Design Review for a 2-story addition to existing single-family resident at 824 Ramon Avenue, including the Findings of the Planning & Zoning Commission.

ON THE QUESTION:

Mayor Good stated that he would be voting no on the motion, as he looked at the site and listened to all discussion but agrees with the argument submitted by the appellants.

VOTE ON THE MOTION:

AYES: Council Members Javandel, Lieber, Maris & Okawachi

NOES: Mayor Good ABSENT: None

Motion carried and so ordered.

6. UNFINISHED BUSINESS

6-1. Albany Civic Center – Measure F Public Safety Projects
(File #200-30)

The City Administrator reported that Measure F, a general obligation bond, was approved by the Albany voters to fund various capital projects. In July, 2004, the City Council allocated funds to project categories, including an allocation of \$4.53 million to a seismic retrofit and renovation of the Fire and Police Stations and City Hall. A contract was awarded to Noll & Tam, architects, for design services and direction on the type and scope of desired project was given.

The projects that could be accomplished within the \$4.53 million budget allocated by the City Council are: 1) Seismic retrofitting of Civic Center buildings including new roofs and new heating systems. Estimated construction cost: \$1,875,000. 2) Partial renovation of the Fire Station. Estimated cost: \$725,000.

Staff is recommending the following additional elements to be included in the project based on need and cost efficiency of performing the work while employees are

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

relocated as part of this project: 1) Police Renovation. Estimated cost: \$1,600,00. 2) Fire Station Kitchen. Estimated cost: \$150,000.

The City Administrator noted that not included is a big item, which is to bring the EOC Center site to the City Hall; however, to accommodate this addition the cost is estimated at: \$1,400,00.

Also to be included is the temporary relocation of all aspects of Police, Fire and City Hall during construction, as a result of hazards associated with the seismic retrofitting work. The costs for this relocation and temporary housing are within the “soft costs” associated with the total project cost, as compared with the construction costs.

The architects from Noll & Tam presented conceptual plans for the project.

Council Members expressed concern about project costs. Staff reported that the project detail and estimated costs would be more refined for presentation of the preliminary plans to the Council in a few months.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Maris to approve staff’s recommendation to consider and approve the preliminary plans prepared by Noll and Tam, Architects. 2) Authorize an additional \$2 million for the project from Measure F Contingency. 3) Authorize the Architect to proceed with the recommended project for proposed Public Safety improvements at the Civic Center complex. The total of \$6.5 million funding options a-d and carry forth the design of options e-f, as bid alternatives.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

8-1. City offices will be closed on Thursday, November 24 & Friday, November 25, 2005, in observance of Thanksgiving.

Council Members reported on meetings they had attended. Council Member Maris asked that the following items be agendaized for a future meeting: 1) Resolution for regional reduction of greenhouse gases and 2) Resolution for climate protection agreement, including lighting and suggested that both items be referred to the Social & Economic Justice Commission; 3) Alameda County Homeless and Special Needs Housing Plan.

9. ADJOURNMENT

10:55 p.m. – There being no further business before the City Council it was moved and forwarded 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

*Jacqueline Bucholz prepared the minutes from submitted staff reports and notes from Barbie Gary, who attended the meeting.