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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, 1249 MARIN AVENUE**  
**MONDAY, OCTOBER 19, 2009**

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**7:30 p.m.**

Mayor Atkinson 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, Thomsen, Wile, & Mayor Atkinson  
Absent: Council Member Lieber

**STAFF PRESENT**

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Ann Chaney, Community Development Director; Charlie Adams, Finance and Administrative Services Director; Penelope Leach, Recreation and Community Services Director; Amanda Bennett, Planning Clerk

**3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**

**4. CONSENT CALENDAR**

**4-1.** Minutes, October 5, 2009.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$193,319.37 taxes, benefits & withholdings in the amount of \$145,615.88. Total payroll in the amount of \$338,935.25. Payroll period: 10/09/09.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$53,958.66; taxes, benefits & withholdings in the amount of \$38,476.57. Total payroll in the amount of \$92,435.23. Payroll period: 10/09/09.

Staff recommendation: Ratify.

- 4-3. a. Ratification of bills, claims and demands against the City of Albany JPA in the amount of \$104.00. Period: 08/07/09.
- b. Ratification of bills, claims and demands against the City of Albany in the amount of \$32,645.81. Period: 10/01/09; \$322,297.27. Period: 10/02/09.

Staff recommendation: Ratify.

4-4. 2009 Paving Project.

Staff recommendation: Authorize the City Administrator to enter into an agreement, not to exceed \$63,725 with Jacobs Engineering to provide project management services for the 2009 Paving Project.

Mayor Atkinson asked whether any Council Members or anyone else wished to pull any items from the consent calendar. No one wished to pull any items.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Thomsen to approve the Consent Calendar.

AYES: Council Members Javandel, Thomsen, Wile, & Mayor Atkinson

NOES: None

ABSENT: Lieber

Motion carried and so ordered.

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

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

Robert Urhammer, 700 block of Pierce, spoke in favor of small urban parks such as Pierce Street Park. He also wanted the City to have an ordinance to direct exterior lighting down to reduce glare and light pollution.

Joan Larson, 600 block of Adams, thanked the people who came out and helped with Albany Movie Night. She announced the Albany Historical Society’s Sunday, October 25, 2009, event at the YMCA Children’s Center.

Norm Ludwig, Albany resident, stated that at the Pierce Street Park neighbors meeting he learned from the City Attorney that the Caltrans agreement developed in the 1990’s around the I-80/580 freeway project failed to protect the City’s interests regarding the land for Pierce Street Park.

Allan Maris, Albany resident, announced the Sunday, October 25, 2009, triathlon. He noted Richard Schwartz’s photos of the waterfront were displayed at the Meniketti Kiosk. He stated he was nearing the end of his second term on the Housing Authority of Alameda County’s Housing Commission and that he would like someone else to take the next term. He reported that Allen Cain of the Solano Avenue Association had a new weight-loss program—walking up and down Solano Avenue picking up trash.

Carol O’Keefe, Albany resident, thanked City staff for help determining the source of the water trickling into the Community Center basement. She asked that the funding of health benefits for the council be agendized.

Brian Parsley, Albany resident, reported the Social and Economic Justice Commission was planning on bringing the funding of health benefits for the council to the council sometime in the future.

Council Member Wile shared handouts from StopWaste and the Albany Chamber of Commerce. She reported that Golden Gate Fields received one of eight efficiency awards. She also noted the fire department breakfast had 895 attendees. Council Member Javandel stated they had given away 150 rear lights for bicycles. Mayor Atkinson reported they also had inexpensive bicycle helmets available. She announced that the owner of Gathering Tribes, Pennie Opal Plant, had been named “Woman Business Owner of the Year.”

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

**6. PRESENTATION**

**7. UNFINISHED BUSINESS**

**7-1. Resolution No. 09-45 – A Resolution of the Albany City Council Establishing Days, Times, Areas and Events When No Dogs are Allowed on the Sports Field at Memorial Park.**

Parks & Recreation Commission recommendation: Approve Resolution No. 09-45 stating: No dogs allowed in the sports field at Memorial Park on Mondays and Thursdays from 4:00 p.m. to 7:30 p.m. and Saturdays from 12:00 p.m. to 6:00 p.m. Additionally, no dogs are allowed on the sports field when a field user has acquired a permit through the City of Albany and when any sports activity is present.

Staff recommendation: Approve Resolution No. 09-45 stating: No dogs allowed in the sports field at Memorial Park on Mondays and Thursdays from 4:00 p.m. to 7:30 p.m. and Saturdays from 12:00 p.m. to 6:00 p.m. additionally, no dogs are allowed on the sports field when a field user has acquired a permit through the City of Albany.

Recreation and Community Services Director Leach delivered the staff report. Andrew Morrell was concerned about the language “when any sports activity is present” possibly meaning the field would never be available to dogs. Stefan Opperton, Albany resident, was concerned, as a volunteer soccer coach, about children tripping over dogs. Harvey Weinstein, Albany resident, asked that the hours be adjusted relative to sunset at different times of the year.

Wynette Weaver, Albany resident, asked whether this would change what times the field could be rented. She thought the park should be for children in the daytime and for dogs at night. Mark Utis, Albany resident, wanted the times to shift for daylight savings time. Bill Liebman, Albany resident, wanted the field open to dogs at 6:00 p.m. Mr. Parsley wanted the staff report wording added, and recommended using “dusk” rather than a time.

Mr. Maris asked whether there was a health issue regarding dog poop on the field. Ginny Lee, Albany resident, did not want the field closed to dogs during the day. She asked whether a section could be fenced-off for dogs. Matt McGinley, Albany resident, felt there would be disagreements about what constituted “dusk.” He opined the dog owner code of conduct should be posted, and that better lighting would make it easier to pick up the poop.

Ms. O’Keefe asked how dog owners would know whether users had a permit. John Kendall, Albany resident, reported the dog owners might not all be from Albany. The City could restrict access to Albany dog license holders, and require business permits for dog walkers. Richard Trout, Albany resident, suggested explicit dog hours. He asked what was the impact of the dogs running (in mud) and urinating on the field.

Jewel Okawachi, Albany resident, congratulated the Parks and Recreation Commission and staff on coming up with a plan to resolve this controversial issue. Nick Pilch, Albany resident, and Chair of the Parks and Recreation Commission, supported moving forward and seeing how the plan worked. Kamala Appel, Albany resident, asked whether the dog owners could supply a temporary fence. No one else wished to speak.

Council Member Wile stated this was a major conflict resolution achievement. She recommended being explicit about hours on the sign, using 6:30 p.m. and 7:30 p.m. for Standard and Daylight Savings Time. Council Member Wile also wanted to remove the phrase “when any sports activity is present.” She asked whether users would be posting their own permits.

Council Member Thomsen thanked the community, and recommended putting a timeframe on a pilot of this solution. Council Member Javandel noted it would be easy to make adjustments because this was by resolution. He asked whether a calendar could be posted on the site or online. Mayor Atkinson was also glad that the community was involved. She recommended 6:00 p.m. and 7:00 p.m.

Director Leach stated staff would post the permit schedule online and at the park.

**MOTION:**

Moved by Council Member Thomsen, seconded by Council Member Wile to approve Resolution No. 09-45 stating: No dogs allowed in the sports field at Memorial Park, as follows: Saturdays from 12:00 p.m. to 6:00 p.m.; Mondays and Thursdays from 4:00 p.m. to 7:00 p.m. during daylight savings time; Mondays and Thursdays from 4:00 p.m. to 6:00 p.m. during standard time; when a field user has acquired a permit through the City of Albany for use of the sports fields, for a one-year pilot, adding the language “and permit is posted.”

AYES: Council Members Javandel, Thomsen, Wile, & Mayor Atkinson

NOES: None

ABSENT: Lieber

Motion carried and so ordered.

It was the consensus of the Council that the effective date would be when staff is able to obtain and post the necessary signage.

**7-2. Monthly Progress Report: September 2009 Civic Center.**

Staff recommendation: 1) Receive monthly progress report. 2) Approve allocation of funds and authorize the City Administrator to execute contracts for

video/visual upgrades to the Council Chambers, at a cost not to exceed \$80,000.00.

City Administrator Pollard delivered the staff report. Mr. Maris stated it was not clear whether this change order cost would be covered by the contingency. No one else wished to speak.

City Administrator Pollard reported there was 1.3% of the contingency remaining. Mayor Atkinson was happy with the Administrative area changes, and supported the audiovisual equipment installation.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to approve allocation of funds and authorize the City Administrator to execute contracts for video/visual upgrades to the Council Chambers, at a cost not to exceed \$80,000.00.

AYES: Council Members Javandel, Thomsen, Wile, & Mayor Atkinson

NOES: None

ABSENT: Lieber

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Proposition 1A Securitization Program.**

Staff recommendation: Approve Resolution No. 09-44 – A Resolution of the Albany City Council Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller’s Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

Finance and Administrative Services Director Adams delivered the staff report. Allan Maris reported that when Loni Hancock spoke at the Senior Center, she mentioned that the state had come to the aid of cities after Proposition 13 passed, and he hoped the state would come to the aid of cities again in the future. No one else wished to speak.

Mayor Atkinson reported that at the League of Cities there was general consensus that this was a good plan.

**MOTION:**

Moved by Council Member Thomsen, seconded by Council Member Javandel to approve Resolution No. 09-44 – A Resolution of the Albany City Council Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller’s Proposition 1A Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

AYES: Council Members Javandel, Thomsen, Wile, & Mayor Atkinson

NOES: None

ABSENT: Lieber

Motion carried and so ordered.

**8-2. Establish Board of Appeals relative to the Building & Housing Code. Amend Master Fee Schedule relative to Violations and Code Enforcement.**

Staff recommendation: 1) Approve Resolution No. 09-46 – A Resolution of the Albany City Council Establishing a Board of Appeals and Authorizing the City Administrator to Appoint the Board of Appeals. 2) Approve Resolution No. 09-47 – A Resolution of the Albany City Council Amending the Master Fee Schedule to Include Fees related to Violations and Code Enforcement.

Community Development Director Chaney delivered the staff report. No one wished to speak.

Council Member Thomsen found the fees high. City Attorney Zweben noted that code enforcement took a considerable amount of staff time that even these fees would not cover.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to approve Resolution No. 09-46 – A Resolution of the Albany City Council Establishing a Board of Appeals and Authorizing the City Administrator to Appoint the Board of Appeals; and Resolution No. 09-47 – A Resolution of the Albany City Council Amending the Master Fee Schedule to Include Fees related to Violations and Code Enforcement.

AYES: Council Members Javandel, Thomsen, Wile, & Mayor Atkinson

NOES: None

ABSENT: Lieber

Motion carried and so ordered.

**9. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.**

Mayor Atkinson reported enjoying bicycling on Key Route during the Albany Streets event on October 11, 2009. The Mayors conference had an event at the Oakland Zoo. East Bay Electeds had a meeting at the Oakland Chinatown center. The Albany Kids business was accepting donations for Samoa.

**10. ADJOURNMENT**

9:25 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

**10. ADJOURNMENT**

Minutes submitted by Amanda Bennett, Planning Clerk.

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MARGE ATKINSON  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK