

Approved: November 15, 2010

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,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE**

MONDAY, NOVEMBER 1, 2010

7:00 p.m.

CLOSED SESSION

Call to order. Council Members Javandel & Thomsen recused themselves from the Closed Session.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

The following people spoke: Del Price, Albany resident; Ray Anderson, Albany resident; Susan Reeves, Albany resident.

A summary of the comments is as follows: Expressed concern about the length of time for the negotiation process and noted that the residents on the hill are very much in favor of the development of a park on Pierce Street. It was noted that this is a win-win situation for the residents and the City. Summarized a meeting between the neighbors and Caltrans and asked that the Council be careful in the agreement that is made with Caltrans. It was acknowledged that the neighbors area aware of potential development on the area at some future date. It was noted that at some point the neighbors need to be involved in the process.

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

1. Real property pursuant to Government Code Section 54956.8

Property:	4.5 acre vacant land adjacent to Cleveland Avenue & Pierce Street.
Negotiating Parties:	City Attorney, City Manager and Assistant City Manager on behalf of the City; Caltrans on behalf of owner
Under Negotiations:	Terms and conditions of acquisition of property

- 2. Property: Adjacent to 1150 8th Street, Berkeley
- Negotiating Parties: City Attorney, City Manager and Assistant City Manager, on behalf of the City; Cornish and Carey Commercial Realty, on behalf of owner (USPS)
- Under Negotiations: Price and terms of payment for the purchase of Property to be used as a City Maintenance Center.

7:30 p.m.

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and the City Manager led the Pledge of Allegiance to the Flag,

ROLL CALL

Present: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile
Absent: None

STAFF PRESENT

Beth Pollard, City Manager; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Manager; Isabelle Leduc, Recreation Supervisor.

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

- 1. An update on the status of the property was given and it was noted that the neighbors would be contacted to check in with them on this process.
- 2. Gave direction to staff.

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 unless otherwise modified by the City Council. 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. Minutes, October 18, 2010.

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$204,312.38; taxes, benefits & withholdings in the amount of \$92,796.85. Total payroll in the amount of \$297,109.23. Payroll period: 10/17/10.

4. CONSENT CALENDAR

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$49,935.12; taxes, benefits & withholdings in the amount of \$57,402.85. Total payroll in the amount of \$107,337.97. Payroll period: 10/17/10.

Staff recommendation: Ratify.

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of \$497,913.45. Period: 10/15/10.

4-4. Ratification of Police & Fire Pension payments for the month of October, 2010, in the amount of \$118,594.52.

Staff recommendation: Ratify.

4-5. Consideration of Claim #AL635; Robinson v. City of Albany.
(File 170-60)

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

4-6. Resolution No. 2010-58 – A Resolution of the Albany City Council Accepting a Gift to the City of a Mural to be Installed in the Ocean View Community Organic Garden at Ocean View Park.
(File 150-70)

Staff recommendation: Approve.

Mayor Wile asked if anyone would like to remove an item for discussion. None were removed.

MOTION:

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

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 three (3) 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 Wile opened the Good of the City/Public Forum/Announcements and the following people spoke:

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

The following announcements were made: 1) The San Francisco Giants just won the World Series. 2) October 23, 2010 a work session was held on pedestrian/bike safety. 3) November 4, 2010, 10-Noon, in the Council Chamber a meeting with consultants would be held to go over priorities on the Albany Active Transportation Plan. 4) November 15 2010, the Council would receive comments back from the various City Commissions/Committees on the report prepared by Drennen Shelton. 5) EBRPD had received a grant that would be used for the Bay Trail gap. 6) It was noted that misinformation had been given out that the City Council would be discussing a dog leash law on the Waterfront; however, this would not be discussed until after the first of the year. 7) Presented some products from Waste Management Authority that was from recycled products. 8) Had a meeting with the Chancellor of U.C. and the Green Corridor group regarding partnerships with the City.

The City Manager stated that the City Council would be hearing an appeal on the Planning & Zoning Commission denial of a Medical Marijuana Dispensary application, location at 1019 Solano Avenue. The Manager also reported on the Planning & Zoning commission actions on wireless antenna applications at Golden Gate Fields (which has been appealed), 1035 San Pablo Avenue and 423 San Pablo Avenue. Council Member Atkinson stated that Council can once a year call for a review of City Commissions without bias and would like to review the decision made by the P&Z Commission at the October 26th meeting regarding the wireless antenna project at 423 San Pablo Avenue.

The following people spoke: Ray Anderson, Albany resident; Jane Kelly, Berkeley resident; Mr. Kramer; Catherine Casey; Nan Wishner, Albany resident; Phil, Oakland resident.

A summary of the comments is as follows: Thanked the staff and volunteers who worked at the Haunted House on Sunday and encouraged the City to have more events like this. Comments were made about invasive species and pesticides and thanked the Council for sending a letter regarding this issue. Spoke about the homeless and their pets at the Waterfront and the Waterfront Committee recommendation to evict them and it was suggested that the City put in portable toilets and implement trash pickup at the Waterfront. It was suggested that this issue be on a future agenda to discuss housing options for the homeless and that any action taken at the Waterfront be done compassionately. The City Manager responded that the City is working with Innovative Grants from Alameda County regarding assistance with case workers to be used to help with the homeless on the Waterfront.

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

6. PRESENTATION/PUBLIC HEARING**7. UNFINISHED BUSINESS****8. NEW BUSINESS****8-1. Animal Control Services.**

(File #600-40)

The Assistant City Manager reported that the contract between the City of Berkeley and the City of Albany for animal services expired on June 30, 2010. The contracted amount for a three year period was \$26,446 and the proposed contract for three years is \$47,024.66 per year, a 78% increase. The City of Berkeley has agreed to extend the current contract rate through December, 2010 with the new rate coming into effect in January, 2011.

Staff performed a survey of animal control services and costs for other municipalities in surrounding areas. In summary, adjacent options would be more expensive but there are some opportunities to provide more efficient or effective services, and/or reduce City costs. Two specific areas include dog licensing and handling investigations and determinations regarding vicious dogs.

A summary of Council comments is as follows: In favor of dual City licensing and a possible license for dog walkers and agreed it is a good idea to stay with the City of Berkeley. It was suggested that the fee for licensing dogs that are not spayed or neutered should be increased. In favor of on-line registration that would tie into other infrastructures. Spoke about special licensing days and getting the local veterinarians involved.

The following people spoke: Caryl O'Keefe, Albany resident; Allan Maris, Albany resident.

A summary of the comments is as follows: It was suggested that the contract with the City of Berkeley be more reasonable and to find out whether the increase is associated with lost staff positions regarding budget constraints and that more options should be on the table. Spoke about the problem of animals on the Waterfront and believes that the City of Berkeley does have the capability to enforce the rules. It was noted that dog walkers at the Waterfront do not make a lot of money.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to 1) authorize staff negotiate with the City of Berkeley regarding services, which could be added to the City's contractual services, including, but not limited to animal licensing and license renewals. 2) Develop options for dog walking business licenses in conjunction with the East Bay Regional Park District and the City of Berkeley. 3) Increase public awareness to encourage dog licensing.

ON THE QUESTION:

Council Member Thomsen noted that the Council needs to keep in mind that the City needs to have local contract for licensing.

Council Member Atkinson suggested that John Kindle, an Albany resident who works for the animal services in Berkeley be contacted to see if he has any comments on this.

8-1. Animal Control Services.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

The following Council announcements were made: 1) Mayor Wile & Council Member Atkinson were invited to attend a meeting with the West Albany residents regarding the proposed marijuana dispensary. 2) Reminded everyone that tomorrow is Election Day.

10. ADJOURNMENT

8:10 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.

Joanne Wile
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk