

Approved: December 6, 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 & REINVESTMENT AGENCY  
IN REGULAR JOINT SESSION,  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE**

**MONDAY, NOVEMBER 15, 2010**

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**5:30 p.m.**

**CITY COUNCIL CLOSED SESSION**

Call to order

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS**

The City Attorney noted that the City Council received several e-mails regarding the Closed Session asking for an explanation, as to the basis for the meeting.

The City Attorney explained that there are two pending wireless appeals before the Council. Staff has had discussions with the applicant's legal counsel who have expressed that if the applications were denied legal proceedings would be pursued.

The following person spoke: Ed Fields, Albany resident. A summary of the comments is as follows: Expressed concern about the Closed Session noting that it was not clear, as to the advice Council could give to its legal counsel. A letter was read from Clay Larson noting that the discussions should be held in public session and not closed session. The letter also spoke to land use law. It was hoped that legal counsel would advise the Council on legal concerns for the locality.

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

**CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Two cases)

Planning Application #10-027. Appeal of Planning and Zoning Commission action related to application for wireless antenna at 1100 Eastshore Highway (Golden Gate Fields). Applicant: Crown Castle for Verizon Wireless

Planning Application #09-031. City Council call for review of Planning and Zoning Commission action related to application for wireless antenna at 423 San Pablo Avenue. Applicant: Crown Castle for Verizon Wireless

**7:30 p.m.**

Mayor Wile called the regular joint meeting of the Albany City Council and the Reinvestment Agency to order on the above date and Council Member Lieber led the Pledge of Allegiance to the Flag,

**ROLL CALL**

Present: Council Member & Agency Member 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; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Mike McQuiston, Police Chief; Kim Denton, City Treasurer.

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

The City Attorney reported that Council met with legal counsel regarding anticipated litigation. No decisions were made.

**Reinvestment Agency Items.**

Agency Members Javandel & Thomsen recused themselves from the discussions and left the Council Chamber.

**1. PUBLIC HEARING**

**1-1. Public Hearing and Adopting of the Albany Community Reinvestment Agency's Five-Year Implementation Plan.**

The Assistant City Manager reported that the City adopted the Cleveland Avenue/Eastshore Highway Redevelopment Plan and formed the Albany Community Reinvestment Agency in 1998.

The Reinvestment Agency receives property tax increment revenue and uses this revenue as the source of funding to retire existing debt, to finance future public projects, and to fund public improvements.

The principle goals of the implementation plan are the elimination of blighted conditions and the promotion of development and improvements to strengthen the economic base of the community. As required by law, the Plan provides for the

allocation of funds to a Housing Fund set aside for low and moderate income housing components that can be used to assist in the implementation of the City's General Plan Housing Element.

**1-1. Public Hearing and Adopting of the Albany Community Reinvestment Agency's Five-Year Implementation Plan.**

Since the adoption of the first plan in 1998, a number of improvements and subsequent developments have been accomplished in the southern portion of the redevelopment area. The northern portion of redevelopment area should now receive additional focus and resources. The proposed plan proposes areas of improvement for Cleveland Avenue and for the Pierce Street parcel and includes a variety of considerations for the use of funds for housing.

Economic Development (Non-Housing) Programs: Program 1: Maintain a focus on large and moderate scale retail/wholesale uses and on manufacturing uses, with an emphasis on encouraging and supporting new and emerging green industry, including related business start-up, incubators and associated office spaces. Program 2: Ensure that information about the Reinvestment Agency is easily accessible and available to the general public, and that the City is actively involved in outreach to encourage continued use of the existing sites and possible developments for the future. Program 3: Encourage the continued development of the building supplies, home improvement and furnishings (BSHIF) sector within the Projected Area, specifically green building enterprises and related products and services. Program 4: Develop a multi-year infrastructure improvement plan to enhance the Cleveland Avenue section of the Reinvestment Zone. Program 5: Develop a multi-year improvement plan regarding the 4.5 acre Pierce Street parcel.

Project Opportunities: 1) Storm Drain, Creek and Sewer Improvement. 2) Improvements to Cleveland Avenue. 3) Pierce Street Parcel.

Housing Programs: The projected Housing Fund balance during the upcoming five-year period is expected to reach a level that will make affordable housing assistance possible. Staff will begin to seek out partnerships with non-profit agencies and those specializing in affordable housing to implement policies and programs.

The Assistant City Manager introduced Karen Tiedemann, Counsel and Angelina Harrison, Intern.

A question was asked about the recent passage of Proposition 22 noting that Reinvestment monies should now be protected. Ms. Tiedemann responded yes, but who know what the Legislators would come up with in the future.

Chair Wile opened the public hearing and the following people spoke: Allan Maris, Albany resident; Del Price, Albany resident; Jackie Armstrong, Albany resident.

A summary of the comments is as follows: Spoke to the housing needs for the homeless on the Waterfront and Youth housing and asked the Council to make an effort to provide these services. Spoke in favor of the development of a park at the Pierce Street property and it was noted that the Cleveland Avenue was a good place for the trucks at the Maintenance Center to use.

There being no one else wishing to speak, Chair Wile closed the public hearing.

**MOTION:**

Moved by Agency Member Lieber, seconded by Agency Member Atkinson that the Agency adopts the Albany Community Reinvestment Agency's Implementation Plan for the years 2001-2016.

- 1-1.** Public Hearing and Adopting of the Albany Community Reinvestment Agency's Five-Year Implementation Plan.

**VOTE ON THE MOTION:**

AYES: Agency Members Atkinson, Lieber, & Chair Wile

NOES: None

RECUSED: Agency Member Javandel & Thomsen

Motion carried and so ordered.

**City Council Items:**

**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, November 1, 2010.

Staff recommendation: Approve

- 4-2.**
  - a. Ratification of City of Albany net payroll in the amount of \$192,348.21; taxes, benefits & withholdings in the amount of \$150,295.82. Total payroll in the amount of \$342,644.03. Payroll period: 11/05/10.
  - b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,296.31; taxes, benefits & withholdings in the amount of \$39,198.54. Total payroll in the amount of \$90,494.85. Payroll period: 11/05/10.

Staff recommendation: Ratify.

- 4-3.** Ratification of bills, claims and demands against the City of Albany in the amount of \$1,082,382.72. Period: 10/29/10. \$17,990.49. Period: 11/01/10.

Staff recommendation: Ratify.

- 4-4.** Resolution No. 2010-59 – A Resolution of the Albany City Council Authorizing a \$3.00 Parking Fine Increase to Accommodate a State Trail Court Trust Fund Surcharge, as Per Assembly Bill 1617.  
(File #570-20)

Staff recommendation: Approve.

Mayor Wile asked if anyone would like to remove an item from the Consent Calendar for discussion.

**4. CONSENT CALENDAR**

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Thomsen 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.

Council Member announcements: 1) Council Member Lieber attended the Police Department Reserve dinner. 2) Mayor Wile, the City Manager and Assistant City Manager attended a meeting with the Green Corridor group to talk about opportunities for businesses.

The City Manager announcements: 1) The Senior Center grant that staff applied for was rejected but will try on the second go around. 2) Schedule of upcoming Council meetings: December 6<sup>th</sup> regular meeting; December 13<sup>th</sup> special meeting, wireless appeals; December 20<sup>th</sup> cancelled the meeting. January 3<sup>rd</sup>, cancelled the meeting; January 10<sup>th</sup> special meeting, medical marijuana dispensary appeal; January 18<sup>th</sup> regular meeting.

The following person spoke and a summary of comments is as follows: Allan Maris, Albany resident. Reported that 55% of Albany voters voted in the November 2<sup>nd</sup> election and was pleased to see how all the campaigns were run.

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

**6. PRESENTATION/PUBLIC HEARING**

**6-1. Presentation of Proclamation.**

Mayor Wile stated that she would mail the Proclamation to Demetrius Shelton congratulating him on his election as President of the National Bar Association.

**7. UNFINISHED BUSINESS**

**7-1. Review of City Commissions/Committees and Boards.**

(File #110-20)

The City Manager reported that the Council commissioned an organizational analysis that recommended a review be made on its advisory bodies to consider whether staff support services could be reduced.

### **7-1. Review of City Commissions/Committees and Boards.**

The City hired an Intern to prepare a study on various aspects of the City's advisory bodies, which was reviewed by Council in July and referred to all the advisory bodies to review and offer comments on all the recommendations.

The following people spoke: Ed Fields, Albany resident; Clay Larson, Albany resident; Brian Parsley, Albany resident; Carla Hertzog, Pension Board member; Allan Maris, Albany resident; Del Price, Albany resident; Peggy McQuaid, Albany resident.

A summary of the comments is as follows: Disagreed with the recommendation to limit access to putting items on an agenda believing that is part of the democratic process. Does not believe staff time is a concern and recommended that consultants be eliminated to save money. Disagreed with the elimination of the Waterfront Committee and urged the Council to broadcast the meetings. Disagreed with having Commissions/Committees prepare action minutes and noted that technology options are not always reliable and that Granicus costs \$2,000 per year. It was agreed that training is important especially on the Brown Act and believes that Commissions/Committees are to serve the residents of the City not the City Council. Disagreed with the recommendation to have quarterly meetings for the Pension Board and noted that mistakes are made on calculations and need to be corrected immediately. It was suggested that the Council restore the positions that are currently vacant. It was stated that the Chairs should have additional training in running meetings and avoid conflicting meeting times. It was suggested that the Planning & Zoning Commission be paid \$200-\$300 a month, as professional members are required.

A summary of the Council comments is as follows: It was noted that an Intern, not a consultant, prepared the report. Agreed that training is very important and also suggested that time limits be put on the agenda items noting that some Commissions/Committees currently do that. It was noted that the agenda should not be used for individual purposes. Supported the ability of Commissions/Committees to be able to put items on the agenda and that items referred by the Council should taken up as a priority. Supported the recommendation to eliminate all at-large positions and noted that all Commissions/Committees should have a membership of 5. In general supported action minutes but believe that is the least of staff's time. It was noted that the recommendation to merge the Waterfront Committee and the Park & Recreation into one Commission was not a good idea. Agreed with the recommendation to have a pro/con template on reports submitted by a Commission/Committee.

The Council discussed the various Commissions/Committees and asked staff to bring back the item on December 6<sup>th</sup> to finalize action, including:

Eliminate the at-large City Council and Albany Board of Education at-large appointees, except that the Board of Education would continue to have two appointees to the Parks & Recreation Commission and potentially up to two to the Community Media Access Committee. In addition, the Arts Committee would continue to have two appointments per Council Member and would change from two to one Albany Board of

Education appointment. The Social & Economic Justice Commission would meet quarterly instead of monthly. The Youth Task Force to be dissolved.

**8. NEW BUSINESS**

**8-1. Resolution No. 2010-57 – Youth Promise Act**  
(File #660-50)

Council Member Lieber reported that the Youth Promise Act is a program to try to show and address issues of violence in a peaceful and positive way. Council Member Lieber recommended that the Council support H.R. 1064 and S. 435, which creates mentoring, educational and intervention programs for at-risk youth for the purpose of reducing gang violence and crime and strengthening communities.

The following people spoke: Nancy Merritt, Peace Alliance; Patricia; Fred Jackson; Lori; Allan Maris, Albany resident.

A summary of the comments is as follows: Urged the City Council to support Resolution No. 2010-57 and the Youth Promise Act.

A summary of the Council comments is as follows: It was noted that the Resolution is consistent with City principles and getting additional grants would be very beneficial. It was suggested that the two last Now, Therefore clauses have the words Now Therefore deleted and just have Be It Resolved. Did not believe that Albany would benefit from any grants, however, neighboring cities might benefit.

Council Member Lieber presented Resolution No. 2010-57 – A Resolution of the Albany City Council Supporting H.R. 1064 and S. 435 the Youth Promise Act Which Creates Mentoring, Educational and Intervention Programs for At-Risk Youth for the Purpose of Reducing Gang Violence and Crime and Strengthening our Communities.

**MOTION:**

After reading title, and waiving reading of entire Resolution, it was moved and seconded to approve Resolution No. 2010-57.

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**

**10. ADJOURNMENT**

9:10 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 Jacqueline L. Bucholz, CMC, City Clerk.

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Joanne Wile  
Mayor

Attest:

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Jacqueline L. Bucholz, CMC  
City Clerk