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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1249 MARIN AVENUE
MONDAY, MAY 19, 2008

6:30 p.m.

CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

Closed Session pursuant to Government Code Section 54957 to discuss Public Employee Performance Evaluation:

City Administrator Beth Pollard

7:00 p.m.

WORK SESSION

Work session with Charter Review Committee to discuss the potential ballot measure and language for an amendment to the City Charter to establish a directly elected Mayor.

Charter Review Committee Members Michael Wallace, Micah Berul, Bart Grossman, Sally Martin, Sarita Mathiesen, and Robert Outis were present.

There was a lengthy discussion among the Council and Committee Members regarding the possible plusses and minuses of term limits and directly elected Mayors. There was a request for staff to compile a list of all regional board appointments and whether they are available only to directly elected Mayors and/or longer term Mayors and/or Council Members or other City representatives.

Many of the Committee members felt the whole issue required more study—more time. One Committee Member recommended revising the entire Charter. The Council Members asked for the Committee to continue its work and make recommendations to the Council no later than the last meeting in June.

8:13 p.m.

Mayor Lieber 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 Atkinson, Javandel, Okawachi, Wile, & Mayor Lieber
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Charlie Adams, Finance & Administrative Services Director; Marc McGinn, Fire Chief; Mike McQuiston, Police Chief; Randy Leptien, City Engineer; Robert Zweben, City Attorney; Jeff Bond, Planning and Building Manager; Amanda Bennett, Planning Clerk

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

Mayor Lieber reported that the Council had met in a closed session to discuss City Administrator Pollard's Public Employee Performance Evaluation.

4. CONSENT CALENDAR

4-1. Council Minutes, April 21 & 28, 2008.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$178,816.43; taxes, benefits & withholdings in the amount of \$225,730.90. Total payroll in the amount of \$404,547.33. Payroll period: 04/25/08.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,260.29; taxes, benefits & withholdings in the amount of \$59,551.51. Total payroll in the amount of \$113,811.80. Payroll period: 04/25/08.

c. Ratification of City of Albany net payroll in the amount of \$181,089.41; taxes, benefits & withholdings in the amount of \$144,751.62. Total payroll in the amount of \$325,841.03. Payroll period: 05/09/08.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$53,457.45; taxes, benefits & withholdings in the amount of

\$41,983.43. Total payroll in the amount of \$95,983.43. Payroll period: 05/09/08.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$31,707.92. Period: 04/01/08.
- b. Ratification of bills, claims & demands against the City of Albany in the amount of \$348,756.43. Period: 4/21/08.
- c. Ratification of bills, claims & demands against the Albany JPA in the amount of \$150.00. Period: 4/21/08.
- d. Ratification of bills, claims & demands against the City of Albany in the amount of \$31,900.60. Period: 5/1/08.
- e. Ratification of bills, claims & demands against the City of Albany in the amount of \$255,008.18. Period: 5/9/08.
- f. Ratification of bills, claims & demands against the City of Albany in the amount of \$246,544.83. Period: 4/29/08.

Staff recommendation: Ratify.

- 4-4.** Pension payments in the amount of \$107,498.74 for the month of April 2008.

Staff recommendation: Ratify.

- 4-5.** Resolution #08-22 for Event Co-Sponsorship Policy for those Community Organizations and Local Businesses Wishing to Participate in the City of Albany's Special Events and/or Programs.

Staff recommendation: Approve Resolution #08-22.

- 4-6.** City Attorney Conference Report

Staff recommendation: Information only.

- 4-7.** City-County Agreement to Continue Albany's Participation of the Urban County's Community Development Block Grant (CDBG) Program.

Staff recommendation: Authorize the City Administrator to enter into an Agreement with the County of Alameda to continue Albany's

participation in the Urban County's Community Development Block Grant (CDBG) program.

- 4-8.** Resolution #08-16 Discouraging Use of Disposable Single-use Plastic Bags.

Staff recommendation: That the City Council approve Resolution No. 08-16, discouraging the use of disposable single-use plastic bags within Albany's retail sector.

- 4-9.** Proposition 99 and Proposition 98.

- a. Resolution No. 08-24 – A Resolution of the Albany City Council Opposing Proposition 98.
- b. Resolution No. 08-25 – A Resolution of the Albany City Council Supporting Proposition 99.

Waterfront Committee Recommendation: That the City Council oppose Proposition 98. The Committee took no position on Proposition 99.

Staff recommendation: Adopt Resolution No. 08-24 opposing Proposition 98 and Resolution 08-24 supporting Proposition 99.

- 4-10.** Monthly Report on Civic Center Public Safety Retrofit/Renovation Project.

Staff recommendation: Information only.

- 4-11.** 2008 Sewer Project – East Albany Hill

Staff recommendation: That the City Council award the contract in the amount of \$1,019,125 for the 2008 Sewer Project-East Albany Hill Project (Contract No. C08-1) to California Trenchless Inc., of Hayward, CA

- 4-12.** Resolution No. 08-29 – A resolution of the Albany City Council in support of the California Nurses Association.

Staff recommendation: Approve Resolution 08-29.

Mayor Lieber asked whether any Council Members or anyone else wished to pull any items from the consent calendar. Council Member Okawachi pulled item **4-10**. Javandel pulled item **4-12**.

Mayor Lieber stated that he might have an FPPC conflict with item **4-12**, and asked that it be pulled from the agenda. He invited anyone from the public who had come to speak on the item to do so during the public comment portion of the meeting. Council

Member Javandel concurred. Council Member Okawachi wanted to thank staff for the item **4-10** report.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi to approve the Consent Calendar (as amended).

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM

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

Council Member Wile announced the May 15 Bike to Work Day a success with increased ridership. She noted there would be a Greening Albany event June 8 at the Veterans' Memorial Building.

Council Member Okawachi announced the June 1 Albany Chamber of Commerce Centennial Tour and Taste of Albany benefiting the Albany Education Foundation. She also noted the library had its big annual sale the past weekend.

Commissioner Javandel thanked the Bike to Work Day volunteers.

Council Member Atkinson announced the June 4 blood drive at the fire station.

City Administrator Pollard reminded everyone to spend his or her tax rebate locally.

Jan Rodolfo, R.N., asked the community to pressure the management of Alta Bates Summit to come back to the bargaining table.

Brian Parsley, Albany resident, submitted a statement and read it into the record. It was about the Codornices Creek restoration project's potential impacts on play areas, gardens, the Children's Center library and the baseball fields.

Joe Rosconi, Albany resident, thanked the staff for the facilities he used for his 25th anniversary, and suggested the City do more to publicize the availability of the facilities.

Carol O'Keefe, President of the Friends of the Albany Library, announced that 25% of sales at the El Cerrito Barnes and Noble on May 31 would go to them if mentioned.

Preston Jordan thanked the Council for considering instant run-off voting.

Todd Abbott, President of the Albany Chamber of Commerce mentioned the Taste of Albany and the new Web link to Albany businesses: albanychamber.org/recycle (recycle your rebate).

Peter Shakow, Albany resident, noted that a statement made by Council Member Atkinson was circulating on YouTube and he recommended the City Council rebut the statement and that Council Member Atkinson apologize. He also made an announcement about a young cancer patient who would soon become an Eagle Scout.

Allan Maris, Albany resident, noted the Memorial Day event May 28 at the Veterans' Memorial Building. He expressed concern about promoting and filling the low and very-low income units at 727 San Pablo. He also recommended the charter amendments not be rushed.

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

6. UNFINISHED BUSINESS

6-1. Interim Urgency Ordinance regarding Tobacco Establishments

Staff recommendation: Adopt interim urgency Ordinance #08-04 to establish a 45-day moratorium on approval of tobacco related retail establishments.

Planning and Building Manager Bond delivered the staff report.

MOTION:

Moved by Council Member Javandel and seconded by Council Member Atkinson to adopt interim urgency Ordinance #08-04.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Building Code provisions for the Abatement of Dangerous Buildings

Staff recommendation: Introduce for first reading Ordinance #08-05 establishing provisions for the abatement of dangerous buildings.

Planning and Building Manager Bond delivered the staff report.

MOTION:

Moved by Council Member Javandel and seconded by Council Member Atkinson to introduce for first reading Ordinance #08-05.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7. UNFINISHED BUSINESS

7-1. Ordinance No. 08-03 – Smoking Ordinance.

Staff recommendation: Adopt Ordinance #08-03 for Second Reading – Pass-to-Print.

Assistant City Administrator Lieberman delivered the staff report. The following people spoke in favor of the ordinance and/or making it stronger: Ira Sharenow; Paul Cummings, Albany resident and member of the Alameda County Tobacco Control Program; Robert Morales, American Lung Association; and Jennifer Gibbs, American Cancer Society.

The following people spoke in opposition to the ordinance (particularly the ban on smoking outdoors on Solano Avenue): **Joe Rosconi**, Albany resident; William Justice,

Albany resident; **Maya Bazianis**, Albany resident; and **Francesco Papelio**. Comments included: this restricts freedom when there is no proof second hand smoke is dangerous; this will be a lot of “no smoking” signs; this will take a lot of staff time: and that this was legislation by spam e-mail.

Rita Doertmer, Albany resident. She was the one who brought a plan of the Pub and moved away from the mic to point at the plan while she talked about whether or not tobacco was a big part of the Pub’s profit, and many other things.

Council Member Okawachi stated she was in favor of the ordinance except for the ban on Solano. Council Member Wile supported the ordinance, and a one-year trial period. Council Member Javandel did not oppose the one-year review. He felt it would be okay to add the word beaches. He also noted that the Council takes all of the input it receives seriously. Council Member Atkinson noted the ordinance supports businesses on Solano when they want smokers to move away from their entrances. Mayor Lieber stated Albany residents had a right to breathe clean air.

MOTION:

Moved by Council Member Wile and seconded by Council Member Javandel to Adopt Ordinance #08-03 for Second Reading – Pass-to-Print **(amended to include “beaches” and a one-year review)**.

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

NOES: Okawachi

ABSENT: None

Motion carried and so ordered.

- 7-2.** Schedule public hearing for fiscal year 2008-09 and 2009-10 Operating Budgets, Capital Improvement Plan, Master Fee Schedule, Assessments for Landscape & Lighting Districts 1996-1 and 1998-1, Clean Water Storm Fee, Library Services Fee, and Sewer Services Fee.

Staff recommendation: 1) Review preliminary information on the draft budget; 2) Schedule and notice public hearing.

City Manager Pollard and Finance & Administrative Services Director Adams delivered the staff report. They recommended a public hearing in two weeks.

Allan Maris, Albany resident, felt the budget was too optimistic when the country was heading into a recession. He asked what portion of the four million dollars was liquid. He asked why the waterfront spending was only one hundred thousand per year. He did not see a separate item for general plan costs. He also recommended moving forward on spending the Albany Hill bond money and acquiring the land.

Clay Larson, Community Cable Access Committee Member, spoke in favor of the proposed three quarter-time staff, and noted the cable television franchise fee could help fund the position.

Carol O’Keefe, Albany resident, wanted to see all possible expenditures and revenue enhancements rather than a short list. She also opined it was a tremendous waste of money to only look at one option in the waterfront visioning plan.

Bob Outis, Albany resident, wanted to see the current year budget to do side-by-side comparison. He also wanted to know where the waterfront planning “expected fund balance” came from.

Council Member Javandel stated the information as provided by staff would be sufficient. Council Member Atkinson asked whether there could be other sources of funds for tasers and EMS, freeing up funds for the staff positions. Mayor Lieber hoped for a volunteer for the cable television position. He also noted the school board would be paying for broadcast services.

Mayor Lieber stated the dispatcher position was important, and the integrated pest management position was important, too. He suggested a term position to cross-train other staff, such as the City Arborist. Council Member Javandel suggested an on-call integrated pest management consultant.

MOTION:

Moved by Council Member Javandel and seconded by Council Member Wile to schedule and notice a public hearing for June 2, 2008.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

There was no new business.

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

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

City Administrator Pollard acknowledged the work of City staff to prepare the new public meeting room set-up at the Community Center.

10. ADJOURNMENT

10:11 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.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK