

Date Approved: December 19, 2011

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**MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, DECEMBER 5, 2011**

7:00 p.m.

CLOSED SESSION

CALL TO ORDER

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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

Appointment of a Public Employee pursuant to Government Code § 54957 – City Clerk.

7:35 p.m.

CALL TO ORDER

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date and Craig Labadie, our proposed new City Attorney, lead the Pledge of Allegiance to the Flag,

ROLL CALL

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

STAFF PRESENT

Beth Pollard, City Manager; Robert Zweben, City Attorney; Anne Hsu, Minutes Clerk; Jeff Bond, Community Development Director; Craig Labadie, proposed new City Attorney.

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

Mayor reported that the City Council provided 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, November 21, 2011

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$ 205,465.38; taxes, benefits & withholdings in the amount of \$281,393.59. Total payroll in the amount of \$ 486,858.97. Payroll period: 11/18/2011

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$ 46,121.63; taxes, benefits & withholdings in the amount of \$ 51,075.23. Total payroll in the amount of \$ 97,196.86. Payroll period: 11/18/2011

Staff recommendation: Ratify.

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of: \$407,388.83 (11/11/11) and \$342,082.78 (11/23/11)

Staff recommendation: Ratify

4-4. Preparation of a Regulatory Agreement Requiring One Unit of the Completed Residential Project at 1100 Portland Avenue to comply with the City's Affordable Housing Ordinance.

Staff recommendation: Authorize the City Manager to prepare a regulatory agreement requiring one unit of the completed residential project at 1100 Portland Avenue to comply with the City's inclusionary housing ordinance.

Mayor Javandel asked if anyone would like to remove an item and item 4-4 was removed for discussion.

Council Member Atkinson asked that if the selling of the affordable housing unit can be moved up to be sold sooner instead of being the last one to be sold?

Jeff Bond, Community Development Director, responded staff can explore the feasibility of that request with the property owner.

Council Member Wile asked if the landlord will be helping the current tenant with finding housing?

Director Bond responded that the applicant is not currently implementing the sale yet with changes to tenants. This is to complete a process that began in 2007.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to approve the Consent Calendar as submitted.

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

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.

Please go to our website at www.albanyca.org to view all future Commission and Committee meetings.

Mayor Javandel opened Good of the City/Public Forum/Announcements and the following people spoke: Emilie Raguso, Albany Patch; Ray Anderson, Albany Lion's Club; Daniel Goldwin, Albany High School Senior, Peggy McQuaid, Albany resident; Ed Fields, Albany resident; June Lavine, Albany High School Senior; Jim Cleveland; Albany resident.

A Summary of the public comments is as follows: National Patch holiday photo contest; winner receives \$100,000 for local charity. Proper lighting system needed along walkway at Memorial Park. The City Council should develop new policy on homeless. A task force should be formed to look into homeless issues. Council should come up with regulations on how the City go about contracting with consultants. The City should set as a priority to extend Library Hours. Albany residents are encouraged to read Voices to Vision: Albany City Council and Waterfront Task Force dated 12/4/2011. There is concern that the City will lose permanent control of the land.

In responding to the public, Council Member Lieber asked if Daniel Goldwin has talked directly with nearby neighbors. Council Member Atkinson stated Park & Recreation Commission can help to address the lighting issue. Council Member Lieber announced in response to the public comment regarding library hours that he attended the Library Board Meeting. The County currently has no money to extend library hours and may even need to shorten hours. Council Member Atkinson asked the student's suggestion on how he would like to see the hours extended.

Council Member Wile announced that Council met with the Golden Gate Fields/Albany Waterfront Task Force meeting. She was impressed with the work that has been done. She also stated that Albany joined with other groups asking that oil tankers pre-boom before transferring oil in the bay. The current California Governor passed this. This will hopefully prevent the kind of oil spill that happened a few years ago. There is a chance at Albany Hill and Point Pinole to see migrating Monarch Butterflies. Council Member Lieber stated that he was recused from attending task force meeting, due to a conflict of interest. Council Member Atkinson announced that, along with Council Member Thomsen and Mayor Javandel, she attended the great APAL dinner event. The

Senior Center had a great White Elephant Sale. In follow up to a question she had posed at the Task Force meeting, parking is not part of the 4.5 million development; it is a separate 1.5 million square feet in addition.

City Manager Pollard announced that Albany Police Department received second place in the 2010 California Law Enforcement Challenge. There is a particular acknowledgement for Officer Pete O'Connor. The Task Force is in suspension mode until the Lab makes an announcement about the selected site for its second campus. Director Bond announced that PG&E will be testing the safety of the gas transmission line that runs north-south through Albany. Community Development Director Bond spoke with Kevin Hufferd regarding UC Village project and expects they will be coming back to Council in early 2012. They are trying to resolve some issues before presenting to Council.

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

7-1. Contract #C11-17 with Craig Labadie for City Attorney services

Staff Recommendation: That Council approve Contract #C11-17 with Craig Labadie to serve as the City Attorney for the City of Albany effective January 1, 2012.

City Manager Pollard delivered the staff report. The measure passed to allow City Attorney to change from an elected one to an appointed one. City Council selected a new City Attorney through interview process. This contract outlines the scope of services.

Mr. Labadie introduced himself and his family, and said he wishes to continue to the good quality legal representation for the City of Albany.

No questions from Council.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to approve Contract #C11-17 with Craig Labadie to serve as the City Attorney for the City of Albany effective January 1, 2012.

AYES: Council Members Atkinson, Thomsen, & Mayor Javandel

NOES: None ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. A Resolution of the Albany City Council authorizing an application to the Association of Bay Area Governments to establish the San Pablo Avenue and Solano Avenue corridor as a Priority Development Area.

Staff recommendation: That the City Council approve Resolution #2011-59 authorizing an application to the Association of Bay Area Governments to establish the San Pablo Avenue and Solano Avenue corridor as a Priority Development Area.

Jeff Bond, Community Development Director, delivered the staff report. The proposed PDA relates to both regional planning and City's competitiveness for grant funds that can be used for planning or capital improvements. Program comes from major legislative efforts to address climate change including AB32 and SB 375. Most cities in Alameda County has some priority development area (PDA) except for City of Albany & City of Piedmont. PDAs are identified as infill areas close to transit. Albany Hill has been established as a priority conservation area a few years ago already.

The following people spoke: Caryl O'Keefe, Albany resident; Clay Larson, Albany resident. A summary of the public comments were: Council is encouraged to participate, and it would possibly be an interesting discussion to include additional areas. The City had an opportunity to participate in the PDA in 2007 but decided not to. It is recommended again not to apply for PDA.

Council Member Lieber paused the public hearing to discuss whether Council Members living within 500 feet of the PDA should recuse themselves. Following discussion with the City Attorney and the Community Development Director, Council Member Lieber and Wile recused themselves.

The following people spoke: Peggy McQuaid, Albany resident; Carl Petrofsky, Albany resident; Ed Fields, Albany resident.

City should check what City of El Cerrito has in mind for our NE area of our City, so that we would know the general synergy of that area and not a conflict before deciding what additional area to include. There has been recently issues on affordable housing when City acquires them. City needs to be careful on what is being decided.

Council Members and staff discussed the areas that should be included in PDA. Council members decided that the City should include as much areas as we can for PDA. Three of the Council Members lives within 500 feet of the proposed PDA. It was decided that for realistic purposes, PDA on Solano Avenue would only extend to Madison Street on the west. Council Member Atkinson suggested that PDA should not just be identified in commercial areas, but should consider areas that is close to transit even if it is with housing such as Brighten Avenue. And the City should discuss with City of El Cerrito in regards to the adjoining areas for both cities.

Council clarified that the PDA should include San Pablo Avenue from northern to southern boundaries and Solano Avenue from eastern boundary to Madison Street.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Atkinson to approve Resolution #2011-59 authorizing an application to the Association of Bay Area Governments to establish the San Pablo Avenue from northern to southern boundaries and Solano Avenue from eastern boundary to Madison Street corridor as a Priority Development Area.

AYES: Council Members Atkinson, Thomsen, & Mayor Javandel

NOES: None ABSENT: None

RECUSED: Council Members Lieber & Wile.

Motion carried and so ordered.

Council Member Lieber and Council Member Wile returns to the Council Chambers.

9. COUNCIL REORGANIZATION

- 9-1. a. Election of Mayor
b. Election of Vice Mayor

Mayor Javandel stated that the new appointments for the reorganization will take effect upon the conclusion of this meeting. The procedure for nomination and voting were summarized: Mayor will call upon each Council Member alphabetically for nominations for Mayor and reverse alphabetically for Vice Mayor.

Council Member Atkinson nominated Farid Javandel for Mayor. She stated the Council has worked well together and the community appreciates the fairness of Mayor Javandel. She made the nomination in the interest of continuity and consistency. No other nominations were submitted. Mayor Javandel accepted the nomination and stated that this is a joint effort with all Council Members.

Jim Cleveland, Albany resident, thanked Council Member Atkinson for the nomination of Mayor Javandel and thanked Mayor Javandel for the job as Mayor. He stated that Mayor Javandel listened and brought the community together to make good decisions.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Wile nominated Vice Mayor Atkinson for Vice Mayor. She stated Mayor Javandel and Vice Mayor Atkinson made a great team. No other nominations were submitted. No comments from the public.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Mayor Javandel stated that the fact that it was an unanimous reorganization, it shows a good sign for the collaborative effort of the City Council.

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

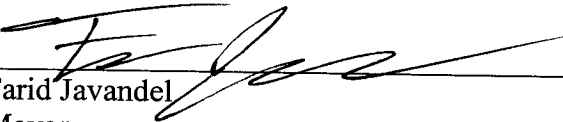
(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

Council Member Thomsen reported that she attended the Sports Fields JPA. The maintenance of Berkeley field was on the agenda. Large number of sports field users came to speak to the issue and will be back. She also reported that she was asked to be on the Administrative Services Committee for the League of California Cities.

10. ADJOURNMENT


8:48 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Anne Hsu, Minutes Clerk.



Farid Javandel
Mayor

Attest:



Anne Hsu
Minutes Clerk