

Date Approved: February 6, 2012



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CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL IN REGULAR SESSION, CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE TUESDAY, JANUARY 17, 2012

6:30 PM

CLOSED SESSION

CALL TO ORDER

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

The following people spoke on this item: Nan Wishner, Michael Barnes, David Sanger, Ed Fields, Doug Donaldson, and Clay Larson.

A summary of the comments is as follows: interest in protecting land use rights, concern the lawsuit is a waste of the City's time, the proposed new facilities were non-conforming, encourage review of existing ordinance.

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

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Pursuant to Government Code Subdivision (a) of Section 54956.9

Name of case: Before the US District Court Northern District Oakland Division: GTE Mobilenet of California Limited Partnership, a California limited partnership d/b/a Verizon Wireless vs. City of Albany Case No. 11-6155

7:30 p.m.

CALL TO ORDER

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date.

1. PLEDGE OF ALLEGIANCE

Mayor Javandel lead the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel

Absent: None

STAFF PRESENT

Beth Pollard, City Manager; Craig Labadie, City Attorney; Anne Hsu, Minutes Clerk; Fire Chief Ed Tubbs, Fire Department Chief; Jeff Bond, Community Development Director; Anne Hersch, Senior Planner; Rich Cunningham, Public Works Manager.

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

Mayor Javandel reported that the City Council received information and discussed existing litigation with the City's legal counsel. No action was taken.

4. CONSENT CALENDAR

4-1. Minutes, December 19, 2011

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$ 205,848.09; taxes, benefits & withholdings in the amount of \$ 271,68.48. Total payroll in the amount of \$ 477,496.57. Payroll period: 12/16/2011

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,313.78 ; taxes, benefits & withholdings in the amount of \$ 55,716.59. Total payroll in the amount of \$ 100,030.37. Payroll period: 12/16/2011

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of: \$18,587.17 (12/1/2011), \$341,935.48 (12/9/2011), \$831,735.68 (12/23/2011), \$18,479.37 (1/1/2012), \$353,841.41 (1/6/2012)

b. Ratification of bills, claims and demands against the Joint Powers Authority in the amount of: \$86.00 (12/23/2011)

Staff recommendation: Ratify

4-4. Ratification of Police & Fire Pension Plan payments in the amount of \$118,697.48 for the month of December, 2011.

Staff recommendation: Ratify.

4-5. Claim #AL653 – T.L. Thomsen v. City of Albany

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter to T. L. Thomsen & Associates, Inc.

4-6. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of September 30, 2011, as required by Section 53646 of the California Government Code.

Staff recommendation: Note and file – for information only

4-7. Fire Department Radios for the East Bay Regional Communications System

Staff recommendation: That the City Council authorize the purchase of nineteen (19) Motorola APX 7000 portable radios and seven (7) Motorola APX 7500 in the amount of 139,981.84 from Motorola Solutions, Inc.

4-8. Upper Sewer Lateral Compliance Plan Revisions (Resolution No. 2012-5)

Staff recommendation: That the City Council approve the Upper Sanitary Sewer Lateral Compliance Plan, October 2011 revision, pursuant to Chapter XV of the Albany Municipal Code

4-9. Resolution No. 2012-6, a Resolution of the Albany City Council, Successor Agency of the Albany Community Reinvestment Agency, approving and adopting the enforceable Obligation Payment Schedule pursuant to Part 1.8 of the Redevelopment Law, and pursuant to ABx1 26 as modified by California Redevelopment Association v. Matosantos.

Staff recommendation: That the Albany City Council adopt Resolution No. 2012-6.

4-10. Request for Temporary Street Closure of a Portion of Masonic Avenue in front of the Albany Preschool and the adjacent Albany Senior Center for Albany Preschool 75th Anniversary Celebration, Sunday, May 20, 2012, Noon to 5 p.m.

Staff recommendation: Authorize staff to approve an encroachment permit allowing the temporary closure of a portion of a block of Masonic Avenue, from Solano Avenue north to 846 Masonic Avenue, for the Albany Preschool 75th Anniversary Celebration.

Mayor Javandel asked if anyone would like to remove an item. No items were removed from the consent calendar by the Council or the Public.

MOTION:

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

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel. ABSENT: None

NOES: None.

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Javandel opened the Good of the City/Public Forum/Announcements and the following people spoke: Franchesco Papalia, Adams/Madison/San Pablo Concerned Neighbors, Jordan Sampietro, Paul O'Curry.

A summary of the comments is as follows: concern regarding homeless activities near Key Route and Solano Avenue and need for humane treatment while ensuring maintained public spaces. Interest in appealing the use permit for 747 San Pablo Avenue including a letter submitted to Council. Request for additional conditions to the use permit for 747 San Pablo Avenue including no operating hours after 10 p.m., management of parking issues, smoking and litter issues. Concern regarding homelessness and an intended task force, and suggest involvement by the Social and Economic Justice Commission.

Community Development Director Jeff Bond detailed procedures for filing an appeal to a Planning & Zoning Commission decision. There is a two week period for filing of an appeal by a member of the public, or for a member of City Council to file a call for review of the decision. The item would then come before the Council within 60 days of the filing.

Council Member Lieber indicated he would recuse himself from any discussion on this item given proximity to his home.

Council Member Wile indicated she would be filing a call for Council review of the use permit approval for 747 San Pablo Avenue.

Vice Mayor Atkinson commented that the Social and Economic Justice Commission passed a Resolution regarding the Citizens United court decision. Atkinson would like to bring the item to a future Council meeting.

Council Member Wile reported that she is working collaboratively with a representative of the City of Berkeley City Council and will be speaking with the Mayors from the City of Oakland and Richmond regarding opportunities to purchase alternative energy from EBMUD.

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

6. PRESENTATION/PUBLIC HEARING/STUDY SESSION

- 6-1.** 1030-1130 San Pablo Avenue (University Village Mixed Use Project). Planning Application #07-100. Environmental Impact Report (EIR), Zoning Amendments, and Planned Unit Development. The applicant seeks approval to construct a new 55,000 sq. ft. grocery store at the north side of Monroe and a mixed-use retail space and senior living project on the south side of Monroe.

Staff recommendation: Provide direction to staff to prepare documents needed for formal action on University proposal.

Community Development Director Jeff Bond delivered the staff report. UC Berkeley staff has re-evaluated the viability of the project and presented refinements to the project. Bond summarized the changes and provided analysis:

- Reduction in height from five to no more than four stories – would require a change in the PUD approval process.
- Commitment to paying for relocation of the Little League fields if displaced. The University will make a written commitment directly with Albany Little League.
- Senior assisted living project will provide 108 parking spaces – provides for 0.6 spaces per unit.
- Priority for Albany residents for 10 percent of the senior assisted living units.
- Inclusionary housing and/or in lieu fees not required for the senior assisted living project – per current development standards the project is not required to provide affordable housing.
- Parkland dedication requirement will be met with open space and trails on or near the site – technical amendments to the Subdivision Chapter of the Municipal Code may be required.
- Public art requirement will be met with on-site art.

Bond addressed next steps including alternative approaches to adopting the proposal as a condition of approval on the PUD.

Kevin Hufford from UC Berkeley provided comments regarding the proposed project. He said the University has taken the City's expressed concerns seriously and is prepared to make a number of significant concessions. The University is seeking the City's expressed support for the project.

The following people spoke on this item: Susan Moffat, Ed Fields, Art Simon, Jack Miller, David Skinner, Clay Larson, Preston Jordan, Tom Mallarky, Jack Rosano, Jackie Armstrong, Nick Pilch, Signe Madison, Jewel Okawachi, John

Miki, David Krebs, Caryl O'Keefe, Tod Abbott, Franchesco Papalia, Peggy McQuaid. A summary of the comments is as follows:

Ensure connectivity of the surrounding neighborhoods to the project for bicycles and pedestrians, and traffic calming measures and these should be included as a condition of approval. Albany Little League and University are working collaboratively. Support for project concessions. Sheet Metal Union supports the project. Concern regarding the possible high rent for the senior units. The project could revitalize this portion of San Pablo Avenue. The project has been in discussion for over four years, the project has significant economic development and tax revenue potential, encourage Council to keep project moving forward.

A summary of the Council comments is as follows: expressed general support for the project and appreciate concessions, interest in expediting the process, and prefer to not add to conditions of approval. Suggested continued work regarding particular bike/pedestrian accessibility items. Expressed support for parking accommodation based on project particulars. Expressed support regarding safety concerns at Dartmouth and that concerns must be addressed. The development agreement can help sort out additional details of project. Expressed interest in comparative parking from other related sites to confirm sufficient parking. Expressed interest in seeking the best possible project as this is a gateway to the City.

MOTION:

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to accept the seven items listed in the discussion section in the staff report as commitments from the University, and that the items of adjusting density and parkland standards be further pursued, and that work to begin on preparation of a development agreement between the University and the City.

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

NOES: None ABSENT: None

Motion carried and so ordered.

Council Members Lieber and Thomsen added that complete streets and bike/pedestrian connectivity are a priority and should be considered as part of a complete streets approach including the stretch of San Pablo to Marin Avenue. The Little League fields agreement should also be reflected in the development agreement.

Bond will work with the City Attorney and outside counsel to ensure the connectivity and little league fields agreement are clearly addressed in relation to the development agreement.

7. UNFINISHED BUSINESS

7-1. Shared Fire Chief services with the City of Piedmont

Staff recommendation: That the City continue the arrangement for shared Fire Chief services with the City of Piedmont.

City Manager Beth Pollard delivered the staff report. The current arrangement is a shared Fire Chief with the City of Piedmont, effective April 2011. A review of the arrangement is required after nine months. Staff met with the Fire Chief, Battalion Chief, Captains, and Fire Fighter Association President to discuss the pros and cons of the shared arrangement, as included in the report. To date there has been no increase in emergency response time since the shared arrangement began.

Fire Chief Ed Tubbs addressed the Council stating that the Albany Fire Department staff are committed to the community and have been successful in crafting new policy and grant applications.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to continue the arrangement for shared Fire Chief services with the City of Piedmont.

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

NOES: None ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Feasibility of a Cellular Tower on City Property

Staff recommendation: That the City council receive the report and provide direction to staff.

Senior Planner Anne Hersch delivered the staff report. Hersch outlined the procedure necessary to move forward should a cellular tower be of interest, including a Request for Qualifications to determine if there are carriers/tower companies interested in building a facility, and to conduct a feasibility study. Hersch discussed alternative City locations including the Community Center and City Hall parking lot.

Council Member Lieber asked if there is an opportunity to conduct a feasibility study of potential sites versus having a carrier identify sites.

The following people spoke on this item: Nan Wishner, Tod Abbott, Caryl O’Keefe, Ed Fields, David Sanger, Clay Larson.

A summary of the comments is as follows: suggest an RFQ for a consultant that could identify potential sites and create a master plan. It is likely that more sites will be needed. Work with AT&T, give them a temporary site, then go to a more permanent location consistent with the intended plan. Support for expediting process, do not delay pending applications, bad cellular reception is a common complaint. Focus on greatly improving cellular coverage. Further consider potential for site at City Hall.

A summary of the Council comments is as follows: suggested looking at all sites within the City including City Hall. Seek an impartial consultant to provide a technical feasibility study, and see if there is a way to collaborate with neighboring cities. Council requested staff develop an RFQ for Council’s review.

8-2. Resolution No. 2012-4 establishing a Naming Policy for City Facilities

Staff recommendation: That Council approve Resolution No. 2012-4 establishing a Naming Policy for City Facilities.

Community Development Director Jeff Bond delivered the staff report. The policy is based on a survey of naming policies from other municipalities and educational institutions. The naming criteria includes: community service, memorializing a person who dies in the line of duty, and the result of recognition of a significant financial donation, along with particular considerations regarding financial donations.

A summary of the Council comments is as follows: suggest removing the reference to 15 years of community service, and allow future Councils to define exceptional community service.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to approve Resolution No. 2012-4 establishing a Naming Policy for City Facilities.

AYES: Council Members Lieber, Thomsen, Wile, Mayor Javandel.

NOES: Vice Mayor Atkinson ABSENT: None

Motion carried and so ordered.

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

Council announcement and future agenda items:


Vice Mayor Atkinson announced the upcoming pancake breakfast at the Senior Center.

Council Member Lieber asked for the Resolution concerning Citizens United as drafted by the Social and Economic Justice Commission be placed on the agenda as soon as possible.

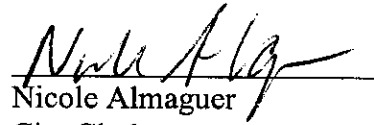
10. ADJOURNMENT

10:30 p.m – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.


Farid Javandel
Mayor

Attest:


Nicole Almaguer
City Clerk