



Date Approved: March 5, 2012

CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, FEBRUARY 21, 2012

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, Deputy City Clerk; Isabelle Leduc, Senior Center Supervisor; Nicole Almaguer, City Clerk; Charles Adams, Finance & Administration Director; Jeff Bond, Community Development Director, Anne Hersch, Senior Planner.

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

No closed session.

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, February 6, 2012

Staff recommendation: Approve

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$ 188,722.71; taxes, benefits & withholdings in the amount of \$ 159,408.93. Total payroll in the amount of \$ 348,131.64. Payroll period: 2/10/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,465.03 ; taxes, benefits & withholdings in the amount of \$ 33,803.59. Total payroll in the amount of \$ 80,268.62. Payroll period: 2/10/2012

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims and demands against the City of Albany in the amount of: \$335,874.14 (1/20/2012), \$26,393.38 (02/01/2012), \$373,269.99 (2/3/2012)

b. Ratification of bills, claims and demands against the Albany Joint Powers Authority in the amount of: \$408.38 (1/20/2012)

Staff recommendation: Ratify

- 4-4.** Claim AL656 - Bjorn Rydberg (California Casualty) v. City of Albany

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

- 4-5.** Resolution No. 2012-9, Allocation of Art in Public Places Fund

Arts Committee and staff recommendation: Approve Resolution No. 2012-9 allocating \$4,450 from the Art in Public Places Fund to: 1) Implement a Fire Hydrant Art Program; 2) Restore the Herons sculpture at the Albany Bulb; and 3) Purchase a zinc plaque for the Community Center Foyer Art Gallery

- 4-6.** Alameda County Waste Management Authority Board Mandatory Recycling and Single Use Bag Ordinances

Staff recommendation: That the City not “opt-out” of participation in the mandatory recycling and single use bag ordinances as developed by Stop-waste.Org and approved by the Alameda County Waste Management Authority Board.

- 4-7.** Resolution No. 2012-10, a Resolution of the Albany City Council, Successor Agency of the Albany Community Reinvestment Agency, approving and adopting the Recognized Obligation Payment Schedule pursuant to Part 1.8 of the Redevelopment Law.

Staff recommendation: Adopt Resolution No.2012-10

- 4-8. Council Member Lieber appointed Paul O'Curry to the Social and Economic Justice Commission.

Staff recommendation: Information only

Mayor Javandel asked if anyone would like to remove an item. Item 4-7 was pulled for discussion. City Attorney Labadie clarified for Council Member Thomsen and Mayor Javandel that they do not need to recuse themselves from this item. City Manager Pollard provided an update that includes a projection through the year 2032.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen 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: Jordan Sampietro, Peggy McQuaid, Emilie Raguso
A summary of the comments is as follows: issues regarding Club Mallard particularly between 10pm and 2am, appreciation for improvements to torch area at Key Route, acknowledged Spencer Perry, YMCA Youth in Government representative and AUSD student. Vice Mayor Atkinson recognized Council Member Wile for work regarding homeless issue at Key Route/Solano Avenue.

6. PRESENTATION/PUBLIC HEARING

- 6-1. City Council Review of Planning Application 11-047: Conditional Use Permit & Parking Exception for a new Beer Pub at 745 San Pablo Avenue

Planning & Zoning Commission Action: The Commission conditionally approved the Beer Pub at 745 San Pablo Avenue.

Council Member Lieber recused himself from the discussion as he lives within 500 feet of the property.

Senior Planner Anne Hersch delivered the staff report. The Planning & Zoning Commission conditionally approved the application for a beer pub at 745 San

Pablo Avenue. The beer pub is proposed to be connected by an interior partition to a hamburger establishment in the neighboring space. The beer pub and restaurant will be the first occupants of the space since the renovation was completed nearly five years ago. The Police Department reviewed the application and recommended closing at 10 pm. The Planning & Zoning Commission supported a close at 10 pm Sunday – Thursday, and a closing time of 11 pm Friday-Saturday. The hamburger restaurant use is permitted by right in the San Pablo Commercial Zoning District, and hours were set by the restaurant owner. The applicant conducted a survey of the operating hours of similar establishments in the surrounding area finding that all have late operating hours, including the existing Pub on Solano which closes at 12 Midnight Sunday-Wednesday, and 1 am Thursday-Saturday. The applicant also met with the Homeowners' Association president of Villa De Albany to discuss expressed concerns and identify solutions. The Alcoholic Beverage Control (ABC) will not process the application until a use permit is granted. The Planning & Zoning Commission included several conditions to respond to concerns raised. A parking study was conducted finding a total of 195 available on-street parking spaces within a 500 ft. radius of the site.

The following people spoke on this item: Building Owner 745 San Pablo Avenue and prospective tenants. Ora Wen, Jordan Sampietro, Megan Gadsby, Shannon Dillon, Winkie Campbell Notar – Albany Chamber of Commerce, Brian Parsley, Caryl O'Keefe, Paul O'Curry, Michael Barnes, David Sanger, Peggy McQuaid. A summary of the comments is as follows: construction of the site used the best sound proofing and insulation for the building, and have addressed all expressed concerns regarding litter, noise, smoking, parking management and loitering. Request for a closing time of 10 pm, concern regarding parking and noise, concern with cleanliness. The to-go beer will be carried out in sealed bottles. Strong support for the prospective business, building has been empty for five years, San Pablo Avenue is a commercial corridor, the building was approved for mixed use, urge for approval in consideration of the tenants time and money already invested. Proposed business is not a bar, it is an upscale tap room, frustration that applicants have to face such difficulty getting approval and lack of support for commercial development, this type of establishment does not have issues with the Police, asking for a 10pm closure every day is unacceptable, Planning & Zoning Commission approved the hours based on analysis and equity, the conditional approval is subject to immediate return to the Planning & Zoning Commission if issues arise, the Pub on Solano has later operating hours than this location, comparability to Kensington Circus Pub which is a neighborhood institution, the tenants have been proactive and should be supported.

A summary of the Council comments is as follows: concern regarding curfew and interest in 10 pm or 11 pm closure, which could be revisited in 6 months or sooner if issues occur. Interest in supporting the Planning and Zoning Commission decision.

Public hearing was closed by motion by Council Member Thomsen, seconded by Vice Mayor Atkinson.

MOTION:

Moved by Council Member Thomsen, seconded by Vice Mayor Atkinson to uphold the Planning & Zoning Commission approval with a review in 6 months by City Council.

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

ABSENT: None RECUSED: Council Member Lieber.

NOES: Council Member Wile.

Motion carried and so ordered.

7. UNFINISHED BUSINESS

7-1. Request for Qualifications (RFQ) for Radiofrequency Engineer for Wireless Consulting

Staff recommendation: That the City Council review the draft Request for Qualifications (RFQ), provide feedback to staff, and authorize staff to release the RFQ.

Senior Planner Anne Hersch delivered the staff report. A draft Request for Qualifications (RFQ) has been prepared based on Council direction. The RFQ seeks a qualified consultant to work with staff to identify feasible wireless sites in the City, provide technical guidance on facility siting including characteristics for a successful wireless site, antenna projection requirements, height requirements, physical space and construction/leasing aspects of wireless facilities.

RFQ responses will be reviewed and staff will return to Council with selection recommendations. ARROW provided a comment letter that was summarized by Hersch.

The following people spoke on this item: Michael Barnes, Ed Fields, Caryl O'Keefe, David Sanger.

A summary of the comments is as follows: interest in a consultant that can explain how the technology works, concern regarding limited city owned properties, hire an independent and objective consultant to identify how to optimize service for now and the future, lack of cell coverage is a major concern.

A summary of the Council comments is as follows: support for comment letter provided by ARROW, request to include additional locations outside of city owned facilities. Request to add specificity regarding intended outcome to the RFP, focus on technical aspect at this time.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Lieber to

authorize staff to release the RFQ with consideration of comments made by Council.

AYES: Council Members Lieber, Thomsen, Vice Mayor Atkinson, Mayor Javandel. ABSENT: Council Member Wile (left meeting ill)

NOES: None.

Motion carried and so ordered.

7-2. Public Opinion Survey update and revision

Staff recommendation: Receive an update regarding development of a public opinion survey and authorize restructuring the survey from 18 minutes to 20 minutes, and decreasing the survey sample from 400 to 350.

City Manager Beth Pollard delivered the staff report. Staff has been working with Godbe Research to develop a public opinion survey per Council direction. Given the number of subjects and questions included within the survey, and the interest to maintain a survey of reasonable length, staff has been working with Godbe to refine the survey. Items that do not require a ballot measure were removed from the survey, and public opinion on these items could be tested in alternate ways.

The survey will be conducted in late February – early March, with results to Council in April.

The survey has been refined as much as possible, and is currently 20 minutes in length. It is recommended that the authorized survey length be increased from 18 to 20 minutes, with a decrease in the survey sample size from 400 to 350. Godbe has indicated this sample size is sufficient to analyze the November 2012 election.

The following people spoke on this item: Clay Larson.

A summary of the comments is as follows: clarify question regarding parking requirements, and question whether it fits in the survey.

A summary of the Council comments is as follows: interest in removing question regarding Measure D parking requirements from the survey and instead combining with overall parking review and discussion being conducted by the Planning & Zoning Commission/Traffic & Safety Commission/Sustainability Committee.

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to authorize restructuring the survey from 18 minutes to 20 minutes, and decreasing the survey sample from 400 to 350, with consideration of the comments provided by Council and the removal of questions relating to Measure D.

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

NOES: None.

Motion carried and so ordered.

7-3. Progress report on 2010-12 City Council Objectives

Staff recommendation: Receive report.

City Manager Beth Pollard delivered the staff report. Pollard noted new objectives that staff has added to the list including managing the State mandated dissolution of the Albany Community Reinvestment Agency and establishment of the City as the Successor Agency, a study to establish locations for cell towers/wireless facilities, transition and training of a new City Clerk, a public opinion survey to evaluate voter interest in tax and other ballot measures, involvement in the Sustainable Communities Strategies to manage implications for Albany.

Pollard also highlighted the progress in meeting objectives: Council's conceptual approval of the University Village Mixed Use development, completion and acceptance of Information Technology Master Plan, completion of the Buchanan-Jackson intersection safety improvement project, approval of new waste disposal and recycling franchise agreement, completed Albany Hill Master Plan, launched small cities collaborative to install solar panels on city facilities, adopted self-closing door ordinance, furthered the Voices to Vision process through Voices to Vision 2, sponsored new community events, engagement and communications.

The following people spoke on this item: none

A summary of the Council comments is as follows: appreciation for accomplishments, appreciation for community outreach, accessibility of computers at Senior Center, interest in following up with Teen Center to determine successes based on changes, interest in promoting a retrofit program/fund for energy efficiency, interest in community gardens on the Ohlone Greenway.

8. NEW BUSINESS

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

Lieber noted that the Alameda County District Attorney has filed criminal charges against former ACAP Director Dillard.

9-1. Second Annual Albany Film Festival, Saturday, March 3, 2012, Noon to 7 p.m., Albany Community Center

10. ADJOURNMENT

9:30 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