



## CITY OF ALBANY

**MINUTES OF THE ALBANY CITY COUNCIL  
AND THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE  
ALBANY COMMUNITY REINVESTMENT AGENCY  
CITY COUNCIL CHAMBER  
1000 SAN PABLO AVENUE, ALBANY  
MONDAY, MAY 7, 2012**

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**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 led 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; Nicole Almaguer, City Clerk; Jeff Bond, Community Development Director; Anne Hersch, City Planner; Aleida Andrino-Chavez, Transportation Planner; Judy Lieberman, Projects Director; Penelope Leach, Assistant City Manager.

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

**4. CONSENT CALENDAR**

**4-1. Minutes, April 16, 2012**

Staff recommendation: Approve

**4-2. a. Ratification of City of Albany net payroll in the amount of \$ 206,102.48; taxes, benefits & withholdings in the amount of \$ 167,313.82. Total payroll in the amount of \$ 373,416.30. Payroll period: 4/6/2012**

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$48,252.53; taxes, benefits & withholdings in the amount of \$ 64,650.06. Total payroll in the amount of \$82,902.59. Payroll period: 4/6/2012

c. Ratification of City of Albany net payroll in the amount of \$ 194,319.24; taxes, benefits & withholdings in the amount of \$ 271,553.22. Total payroll in the amount of \$ 465,872.46. Payroll period: 4/20/2012

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,215.38; taxes, benefits & withholdings in the amount of \$ 56,943.02. Total payroll in the amount of \$103,158.40. Payroll period: 4/20/2012

Staff recommendation: Ratify.

- 4-3.** Ratification of Police & Fire Pension Plan payments in the amount of \$118,697.48 for the month of April, 2012.

Staff recommendation: Ratify.

- 4-4.** Proposed amendment to Chapter II, Article IV of the Albany Municipal Code to revise meeting dates for the Planning and Zoning Commission to accommodate the Albany Unified School District Board of Education request to change meeting dates.

Staff recommendation: That Council approve Ordinance No. 2012-02, amending Chapter II, Article IV of the Albany Municipal Code to revise meeting dates for the Planning and Zoning Commission to accommodate the Albany Unified School District Board of Education request to change meeting dates - Second Reading – Pass to print.

- 4-5.** Scheduling of a June 18, 2012 Public Hearings for Fiscal Year 2012-13 and 2013-14 Operating Budgets, and Master Fee Schedule effective July 1, 2012.

Staff recommendation: That Council schedule a Public Hearing for the City Council meeting of June 18, 2012 on the proposed operating budgets for the City of Albany for fiscal years 2012-13 and 2013-14, and the Master Fee Schedule to become effective July 1, 2012.

- 4-6. Marin Avenue-Santa Fe Avenue Intersection Safety Improvements, Contract No. C12-3

Staff recommendation:

- 1) That the City Council adopt Resolution No. 2012-28 awarding a construction contract to Prism Engineering Inc. for the Marin Avenue-Santa Fe Intersection Safety Improvements (Contract No. C12-3)
- 2) Authorize the City Manager to enter in agreements for construction engineering services with Rossi Consulting, Jacobs Engineers and AECOM.

- 4-7. Direct the filing of Annual Reports for Landscaping and Lighting Assessment District No. 1988-1 & Landscaping and Lighting Assessment District No. 1996-1.

Staff recommendation:

- 1) Approve Resolution No. 2012-29 – A Resolution of the Albany City Council directing the filing of the annual report for Landscaping and Lighting Assessment District No. 1988-1.
- 2) Approve Resolution No. 2012-30 – A Resolution of the Albany City Council directing the filing of the annual report for Landscaping and Lighting Assessment District No. 1996-1.

- 4-8. Transportation Development Act Article 3 Allocation FY 12-13

Staff recommendation: Approve Resolution No. 2012-26 requesting that the Metropolitan Transportation Commission (MTC) allocate Fiscal Year 2012/13 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding in the amount of \$11,804 to the City of Albany toward construction of the Marin/Santa Fe Safe Routes to School (SR2S) Signal and Pedestrian Improvements Project in the vicinity of Marin Elementary School.

- 4-9. Vice Mayor Atkinson appointed Jules Kobelin to the Albany Arts Committee.

Staff recommendation: Information only

Mayor Javandel asked if anyone would like to remove an item. No items were removed.

There was no public comment regarding the consent calendar.

**MOTION:**

Moved by Council Member Thomsen, 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.

Mayor Javandel commented on the situation at the Gill Tract, noting that the City is in support of an agreement between the University and those at the Gill Tract. Mayor Javandel announced Bike to Work Day and Bike to School Day.

Council Member Lieber announced that he met with Keith Carson regarding the nurses strike, and also attended a campaign event for Barbara Lee this past Saturday.

Council Member Thomsen expressed appreciation to the Albany Lions Club for the contribution of \$500 to the Recreation Department in the name of Bill Johnson.

Vice Mayor Atkinson announced she attended the Arts & Green Festival this past Sunday.

Council Member Wile reported that she visited the farmers at the Gill Tract and expressed appreciation for the work being conducted.

The following people spoke: Peggy McQuaid, Effie Rawlings, Michael Beer, Representatives from Albany Farm Alliance, Eric Larsen, Signey Madison, Daniel Cardozo, Karen O'Neill, Frances Godd, Serena Larsen, Stephanie Thomas, Christoph Kantor, Christen Forheef, Cornell Students, Mara Duncan, Ellen Hershey, Francesco Papalia, Myriama Valenzuela, Cory Shure, Barbara Chambers, Amy Smolens, Jackie Hermes-Fletcher.

A summary of the comments is as follows: announced Bike Rodeo on Saturday May 19<sup>th</sup> at Cornell School; expressed support for community farming at the Gill Tract, that the Gill Tract has prime farming soil and is a community resource; announced formation of the Albany Farm Alliance, encouraged Council to take action to support community farming, prohibit use of violence by UCPD, and reconsider development agreement; urged the City to honor the ongoing planning process and not allow people to create their own rules; concerned with safety at intersection with farm banners and signs; announced Bike Month and the work of Albany Strollers & Rollers/East Bay Bicycle Coalition.

Council Member Lieber stated that there is not a nexus between the Gill Tract and the development. The Gill Tract is included in UC's Mater Plan.

Council Member Wile stated that she will be working with the City Manager to formulate a Resolution that encourages a collaborative approach to establishing an urban farm at the Gill Tract.

**6. PRESENTATION/PUBLIC HEARING**

- 6-1. Proclamation in Honor of Albany Preschool's 75<sup>th</sup> Anniversary**  
Mayor Javandel presented the Proclamation.  
Joy Knott accepted the Proclamation on behalf of the Preschool, and announced the upcoming 75<sup>th</sup> Anniversary celebration.

**7. UNFINISHED BUSINESS**

- 7-1. Medical Marijuana Policy Update**

Staff Recommendation: For information only

City Planner Anne Hersch delivered the staff report. There are no new legal decisions to report, however there are four cases under review, two of which should be decided in the next 18-24 months. An update will be provided to Council when rulings become available.

The following people spoke: Ulan McKnight

A summary of comments is as follows: encouraged Council to consider the will of the voters.

A summary of Council comments is as follows: Council Member Lieber noted the interest of revisiting the Ordinance including review of boundary lines, and will return to Council to request that Council ask the Planning & Zoning Commission to further refine the Ordinance.

- 7-2. Loan Reauthorizations between the Successor Agency to the Albany Community Reinvestment Agency and the City of Albany**

Staff recommendation: That the City Council authorize the City Manager of the City of Albany to re-enter into loan agreements for the following:

- 1) Loan Reauthorization Agreement #1 - Pierce Street Parcel purchase (\$850,000)
- 2) Loan Reauthorization Agreement #2 - City Advances (\$491,336)
- 3) Loan Reauthorization Agreement #3 - Organization Expenses 1996 (\$194,867)

Mayor Javandel and Council Member Thomsen recused themselves due to proximity of their residences.

Projects Director Judy Lieberman delivered the staff report. A portion of property tax increases from redevelopment were utilized by the Albany Community Reinvestment Agency (ACRA) to fund or enable financing of debt for improvements to the redevelopment area (approximately 37 acres that run north-south along the City's western edge). The City loaned funds to the ACRA to implement improvements and projects. The State ordered dissolution of

Redevelopment Agencies as of February 1, 2012, requiring a successor agency and an oversight board to the successor agency. The City of Albany is the successor agency, and the oversight board to the successor agency is tasked with reviewing the successor agency's Recognized Obligation Payment Schedule (ROPS). The Oversight Board met on April 9, 2012 approving two of the three loan reauthorizations: Loan Reauthorization Agreement 1 – Pierce Street Property Purchase, and Loan Reauthorization Agreement 2 – Cash Advances. Loan Reauthorization Agreement 3 – Agency Formation, 1996 requires approval by the Oversight Board. Approval of the loan authorization agreements is necessary in order to repay the City for loans made to the ACRA, which will be utilized to fund future capital projects.

City Manager Pollard recommended that the Vice Mayor be authorized to execute the loan agreements for the City, and that Judy Lieberman, Projects Director be included as the Executive Director signature authority to ensure separation of the roles of the agencies.

There was no public comment on this item.

Council Member Lieber asked about legal concerns regarding the process.

City Attorney Craig Labadie indicated the current legislation does authorize the Oversight Board to re-enter into loan agreements. The City is currently operating under AB 26x1 as adopted last June.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Wile to authorize Judy Lieberman as the Executive Director, and the Vice Mayor of the City of Albany to re-enter into loan agreements, for the following:

- 1) Loan Reauthorization Agreement #1 - Pierce Street Parcel purchase (\$850,000)
- 2) Loan Reauthorization Agreement #2 - City Advances (\$491,336)
- 3) Loan Reauthorization Agreement #3 – Organization Expenses 1996 (\$194,867)

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

RECUSED: Council Member Thomsen, Mayor Javandel.

NOES: None.

ABSENT: None.

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Pierce Street Parcel Project.**

Staff Recommendation: Authorize the City Manager to enter into a contract with BurksToma Architects (BTA) to begin the Phase 1 planning and design for the Pierce Street Parcel project for a maintenance center, park, and trail, in an amount

not to exceed \$165,506 and to enter into a contract with A3Geo, Inc., for Geotechnical Services in the amount of \$13,817.

Projects Director Judy Lieberman delivered the staff report. The Pierce Street parcel was purchased utilizing a combination of Albany Community Reinvestment Agency (ACRA) funds and a loan from the City of Albany to the ACRA. There are a number of current funding options, and funds are available to move forward with a public planning process and development of 35% plans. Following the purchase of the parcel in June of 2011, staff initiated a comprehensive process to select a lead architectural firm BurksToma to conduct a Master Plan for the site including a Maintenance Center, park for passive recreation, and a trail. The City worked with BurksToma to select a landscape architect firm. A Geotechnical consultant will also be utilized for development of the Master Plan. The proposal is to move forward on a phased approach with Phase I to be completed by Fall 2012 including geotechnical analysis, planning and public process, development of a site Master Plan, and a preliminary cost range for the three components. Following review of Phase I, Phase 2 would be initiated, completed in Winter 2013, and include development of specific design documents to 35%, cost estimates, and determination of project financing.

There was no public comment on this item.

A summary of Council comments is as follows: acknowledged the City is spending too much on the current lease for the Maintenance Center, general support for the project moving forward and working with other agencies, interest in utilizing modular buildings in the short-term, interest in ensuring participation of a working group, as well as involvement of the Council.

**MOTION:**

Moved by Council Member Wile, seconded by Council Member Lieber to Authorize the City Manager to enter into a contract with BurksToma Architects (BTA) to begin the Phase 1 planning and design for the Pierce Street Parcel project for a maintenance center, park, and trail, in an amount not to exceed \$165,506 and to enter into a contract with A3Geo, Inc., for Geotechnical Services in the amount of \$13,817.

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

RECUSED: Council Member Thomsen, Mayor Javandel.

NOES: None. ABSENT: None.

Motion carried and so ordered.

- 8-2. Bay Friendly Landscaping requirements for new construction and rehabilitation of public and private landscapes of 2,500 square feet of irrigated area or greater that require a permit, pursuant to a condition of funding by the Alameda County Waste Management Authority (Stopwaste.org)

Staff recommendation: The City Council of the city of Albany adopt Resolution No. 2012-31 approving Bay Friendly Basics.

City Planner Anne Hersch delivered the staff report. Stopwaste.Org has required that jurisdictions receiving Recycling Mitigation Funding must adopt the Bay Friendly Basics Requirements by June 30, 2012. The City receives \$23,724 in Mitigation funding for implementation of recycling programs. The Bay Friendly Basics require all new construction and rehabilitation of public and private landscapes of 2,500 square feet or more of irrigated area that require a permit, plan check or design review, shall adhere to the Bay Friendly Basics. The Bay Friendly Basics are intended to achieve resource conservation.

There was no public comment on this item.

**MOTION:**

Moved by Vice Mayor Atkinson, seconded by Council Member Lieber to adopt Resolution No. 2012-31 approving Bay Friendly Basics

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

NOES: None. ABSENT: None.

Motion carried and so ordered.

**8-3. City of Albany Street Banner Policy**

That Council approve Resolution No. 2012-23, establishing the City of Albany Street Banner Policy.

Assistant City Manager/Community Services Director Penelope Leach delivered the staff report. The proposed street banner program would require that proposals for hanging street banners be submitted to the Community Development Department for approval. The Community Development Department will work with a 2-member subcommittee of the Arts Committee regarding banner submittals if there is uncertainty regarding compliance with the proposed policy. For banners intended to remain for 12 or more consecutive months, the Community Development Department will review the submittal for compliance, then forward to the Arts Committee for review and to make a recommendation to the City Council. The streets for banners include San Pablo, Solano and Buchanan.

The following people spoke: Peggy McQuaid, Barbara Chambers.

A summary of comments is as follows: the Arts Committee is interested in having banners that are unique to Albany; interest in a policy regarding hanging of banners in areas besides street poles, interest of a neighborhood watch sign.

A summary of Council comments is as follows: ensure appropriate size of banners so they are legible.



**MOTION:**

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to approve Resolution No. 2012-23 establishing the City of Albany Street Banner Policy.

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

ABSENT: None.

NOES: None.

Motion carried and so ordered.

**8-4. Wireless facilities:**

- a) City sponsorship of presentation on new federal wireless co-location law
- b) Proposed building code modification regarding telecommunications towers

Council Member Lieber recommendation: 1) Sponsor a presentation at a City of Albany site by Lawrence "Rusty" Monroe, Center for Municipal Solutions (CMS) on the new federal wireless co-location law, and reimburse his out-of-pocket expenses only, estimated \$800 - \$1,000; and 2) Refer proposed building code modification regarding telecommunications towers to staff for recommendations to Council on incorporation into city regulations

Council Member Lieber discussed the item, and would like to have a presentation that can be recorded for the community. Also, the interest in updating the code to ensure public safety and protect against legal issues.

The following people spoke on this item: Clay Larson, Caryl O'Keefe, Peggy McQuaid.

A summary of comments is as follows: support for updating the code, interest in finding a local representative to host a discussion, the code update should be referred to Planning & Zoning Commission; interest in bringing in additional cities to share cost, and looking to Association of Bay Area Governments (ABAG) for suitable people.

A summary of Council comments is as follows: interest in looking for local representatives that could speak on the item or using teleconferencing, interest in referring the code update to the Planning & Zoning Commission, interest in receiving legal point of view, interest in ensuring the code is updated including the issue of steel as compared to wood, support for proposed speaker given the level of experience and an alternative view.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Wile to sponsor

a presentation at a City of Albany site by Lawrence “Rusty” Monroe, Center for Municipal Solutions (CMS) on the new federal wireless co-location law, and reimburse his out-of-pocket expenses only, estimated \$800 - \$1,000, with the contingency that Lawrence “Rusty” Monroe consent to the recording and broadcasting of the presentation.

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

ABSENT: None.

NOES: Council Member Thomsen

Motion carried and so ordered.

**MOTION:**

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to refer proposed building code modification regarding towers and/or telecommunication towers - wording to be determined by staff, to staff and the Planning & Zoning Commission for recommendations to Council on incorporation into city regulations.

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

ABSENT: None.

NOES: None.

Motion carried and so ordered.

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

Council Member Lieber attended the Arts & Green Festival.

Vice Mayor Atkinson noted the recent Senior Center White Elephant Sale was a success.

Mayor Javandel expressed appreciation for Congresswoman Barbara Lee taking time to speak with the community. Mayor Javandel asked that the Council Meeting be adjourned in a moment of silence for Paul Witherspoon.

City Manager Pollard announced the Senior Center received a grant for \$49,999 to provide technology training for Seniors.

**10. GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE ALBANY COMMUNITY REINVESTMENT AGENCY – NEW BUSINESS**

**10-1. Loan Reauthorizations between the Successor Agency to the Albany Community Reinvestment Agency and the City of Albany**

Staff recommendation: That the Governing Board of the Successor Agency to the Albany Community Reinvestment Agency (ACRA) authorize the Executive Director to re-enter into loan agreements for the following:

- 1) Loan Reauthorization Agreement #1 - Pierce Street Parcel purchase (\$850,000)
- 2) Loan Reauthorization Agreement #2 - City Advances (\$491,336)
- 3) Loan Reauthorization Agreement #3 – Organization Expenses 1996 (\$194,867)

City Manager Pollard delivered the staff report.

The Executive Director will be Judy Lieberman as Projects Director.

**MOTION:**

Moved by Board Member Wile, seconded by Council Member Lieber to authorize the Executive Director to re-enter into loan agreements for the following:

- 1) Loan Reauthorization Agreement #1 - Pierce Street Parcel purchase (\$850,000)
- 2) Loan Reauthorization Agreement #2 - City Advances (\$491,336)
- 3) Loan Reauthorization Agreement #3 – Organization Expenses 1996 (\$194,867)

AYES: Board Members Lieber, Wile, Vice Chair Atkinson.

RECUSED: Board Member Thomsen, Chair Javandel.

ABSENT: None.

NOES: None.

Motion carried and so ordered.

- 10-2.** Approve minutes of the Albany Community Reinvestment Agency meeting of January 9, 2012.

Staff recommendation : Approve minutes.

**MOTION:**

Moved by Board Member Lieber, seconded by Council Member Wile to approve minutes of the Albany Community Reinvestment Agency meeting of January 9, 2012.

AYES: Board Members Lieber, Wile, Vice Mayor Atkinson.

RECUSED: Board Member Thomsen, Chair Javandel.

ABSENT: None.

NOES: None.

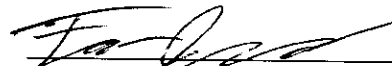
Motion carried and so ordered.

**11. ADJOURNMENT**


Mayor Javandel adjourned the meeting in memory of UC Berkeley Professor Paul Witherspoon, who focused his work on hazardous waste, groundwater and soil protection, and brought together diverse groups of people in the interest of environmental protection.

10:13 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