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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION, JUNE 16, 2008**  
**COMMUNITY CENTER, 1249 MARIN AVENUE**

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**7:45 p.m.**

Albany Community Reinvestment Agency (See separate Agenda)

**7:55 p.m.**

Albany Municipal Services JPA (See separate Agenda)

**8:00 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; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Administrator; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Rich Cunningham, Public Works Manager; Randy Leptien, contract City Engineer; Aaron Walker, Personnel Manager; Kim Denton, City Treasurer; Charles Adams, Finance Director; Mike McQuiston, Police Chief; Brian Crudo, Fire Marshal; John Weitzel, Captain, Fire Department; Penelope Leach, Recreation & Community Services.

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

**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.** Council Minutes, May 19 & June 2, 2008.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$207,297.26.; taxes, benefits & withholdings in the amount of \$170,542.21. Total payroll in the amount of \$377,839.47. Payroll period: 05/25/08.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$53,490.09; taxes, benefits & withholdings in the amount of \$41,891.41. Total payroll in the amount of \$95,381.50. Payroll period: 05/23/08.

Staff recommendation: Ratify.

**4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$151,760.92. Period: 05/16/08.

b. Ratification of bills, claims & demands against the City of Albany in the amount of \$354,454.64. Period: 05/30/08.

c. Ratification of bills, claims & demands against the City of Albany Joint Powers Authority in the amount of \$175.00. Period: 05/30/08.  
(File #300-40)

Staff recommendation: Ratify.

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

Staff recommendation: Ratify.

**4-5.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of March 31, 2008, as required by Section 53646 of the California Government Code.  
(File #300-10)

Staff recommendation: Note and file; information only.

- 4-6.** Neilson Street Storm Drain and Sanitary Sewer Project.  
(File #1030-70)

Staff recommendation: 1) That the City Council award a contract in the amount of \$2,129,860 for the Neilson Street Storm Drain and Sanitary Sewer Improvements (Contract No. C07-21) to Ranger Pipelines, Inc, of San Francisco, CA. 2) That the City Council approve a scope and budget for a Consultant Services Agreement with Jacobs Engineers for Construction Management Services for an amount not to exceed \$107,000.

- 4-7.** Temporary street closure around Memorial Park for July 4, 2008 Celebration.  
(File #820-70)

Staff recommendation: Approve the closure of a two-block area of Portland Avenue between Carmel and Portland Avenues in front of Memorial Park on July 4, 2008 from 6 a.m. – 5 p.m. for the Dog Jog and Celebration.

- 4-8.** Approval and Acceptance of Contracts, 2007 Park Renovation Projects – Memorial Park and Ball Field, and Ocean View Park.  
(File #600-30)

a. Resolution No. 08-26 – A Resolution of the Albany City Council Accepting Improvements and Directing the Filing of the Notice of Completion for Contract C3-07 for the renovation of Memorial Park (South) and Memorial Ball Fields.

b. Resolution No. 08-27 – A Resolution of the Albany City Council Accepting Improvements and Directing the Filing of the Notice of Completion for Contracts No. C4-07 for the renovation of Ocean View Park.

Staff recommendation: Adopt Resolution No. 08-26 & No. 08-27.

- 4-9.** On-Street Parking of Large Vehicles.  
(File #570-20)

Staff recommendation: Refer to the Traffic & Safety Commission a review of the current City Ordinances regulating the parking of large commercial and recreational vehicles for recommendations to City Council regarding possible modification of existing regulations.

- 4-10.** Consideration of Claim #AL564; LaRosa v. City.  
(File #170-60)

Staff recommendation: Reject claim and authorize the City Clerk to send out the appropriate notice.

- 4-11.** Consideration of Claim #AL565; Cotter v. City.  
(File #170-60)

Staff recommendation: Reject claim and authorize the City Clerk to send out the appropriate notice.

- 4-12.** Resolution No. 08-32 – A Resolution of the Albany City Council Establishing the Appropriations Limit for the 2008-09 Fiscal Year at \$13,781,439.  
(File #330-35)

Staff recommendation: Adopt Resolution No. 08-32.

- 4-13.** Resolution No. 08-34 – A Resolution of the Albany City Council Approving the Salary Schedule for the City Attorney and City Treasurer.  
(File #700-20)

Staff recommendation: Adopt Resolution No. 08-34.

- 4-14.** Contracts with the County of Alameda for Additional Library Services, Fiscal Year 2008-09.  
(File #600-40)

Staff recommendation: Approve.

- 4-15.** Schedule and Provide notice for a public hearing on July 7, 2008 to consider a request to vacate and abandon an unused sanitary sewer easement at 1316 Solano Avenue.

Staff recommendation: Schedule the public hearing for July 7, 2008.

- 4-16.** Monthly Status Report: Civic Center Project.  
(File #200-20)

Staff recommendation: Information only.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar for discussion. The following items were removed: 4-8, 4-14 & 4-16.

**4-8. 2007 Park Renovation Projects.**

The Community Development Director pulled this item noting that Resolution No. 08-26 should be deferred, as there are some concerns regarding the irrigation at Memorial Park; however, noted that Resolution No. 08-27 should be approved.

Council discussed this request and agreed to staff’s request.

Council Member Javandel presented Resolution No. 08-27 – A Resolution of the Albany City Council Accepting Improvements and Directing the Filing of the Notice of Completion for Contract C4-07 for the Renovation of Ocean View Park.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Atkinson to defer approval of Resolution No. 08-26 and allow for half of the 10 percent retention to be paid and to adopt Resolution No. 08-27.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**4-14. Library Contract with Alameda County**

Council Member Atkinson stated that the City has concerns about this contract and hopes that the concerns would get resolved so that the Library has additional hours. The Finance Director responded that additional funds have been budgeted for the next 10 years and the City is trying to get answers from the County.

**4-16. Civic Center Status Report**

Council Member Atkinson asked staff to speak on the status report. The Planning Manager noted that the roof at City Hall is in the process of being redone and that dry rot was found. The safety department move is going well and expects the occupancy date at Monroe/Jackson would be the end of July or early August.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to approve the Consent Calendar, as submitted with the exception of Item 4-8.

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/ANNOUNCEMENTS**

Mayor Lieber stated that due to the length of the agenda he would be enforcing a two-minute time for speaking on an item.

Council Member Wile announced the following: 1) Working with Berkeley Mental Health to assist them in dealing with the people living at the Bulb and noted that volunteers are needed. 2) A public meeting on June 25, 6-8 p.m., regarding the development plans for U.C. Village. The meeting would be held at St. Mary’s High School in the Science Room.

Mayor Lieber offered his congratulations to same sex couples that are getting married.

The City Administrator announced the July 4<sup>th</sup> Celebrations at Memorial Park.

The following people spoke: Jim Cleveland, Albany resident; Ira Sharenow, Albany resident; Sidney Madsen, Albany resident; Rita, Albany resident.

A summary of the comments is as follows: Expressed concern about a fire hazard on a lot on Cleveland Avenue and submitted photos to the Council. Asked the following questions: 1) When the new website would up and running, 2) When the Council meetings would be on the web, 3) Education of residents regarding the new smoke free ordinance. Announced a meeting regarding the Light Brown Apple Moth on June 23, 2008 7-9 at Lakeside Garden Center, Lake Merritt, Oakland. Complained about people being able to smoke at the pub at the outside area, which faces Solano Avenue.

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

**6. PUBLIC HEARING**

**6-1. a. 2009/10 Capital Improvement Plan.**

(File #330-40)

Staff recommended that the public hearing be open and comments accepted but refer action to the July 21, 2008, Council meeting.

Mayor Lieber opened the public hearing and no one spoke on the Capital Improvement Plan.

**b. Resolution No. 08-39 – Master Fee Schedule**

(File #100-90)

The Finance Director submitted the Master Fee Schedule for Council approval. Council Member Javandel presented Resolution No. 08-39 – A Resolution of the Albany City Council Establishing and Amending the City of Albany Mater Fee Schedule for Various Permits, Services and Fines effective July 7 1, 2008.

No one from the public spoke on this item.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Wile to adopt Resolution No. 08-39.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**c. Sewer Service Charge, Library Services Tax of 1994, Library Services Supplemental Tax, Paramedic Supplemental Tax, Measure N & Measure F.**

The Community Development Director recommended that 1) The Council approve previously authorized adjustments to the Sewer Service Charge, Library Services Tax of 1994, Library Services Supplemental Tax, Paramedic Supplement Tax, Measure N (Advanced Life Support), Measure F-2006 Pavement and Storm Drain and to the posting of these charges, fees and/or taxes to the 2008/09 Alameda County Property Tax Roll. 2) Direct that the above charges, taxes and fees and the NPDES (Urban Runoff) and the Advanced Life Support Tax (Measure N) which do not contain a provision for an increase be collected on County Tax Rolls for the 2008/09 fiscal year.

No one from the public spoke and Mayor Lieber closed the public hearing.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to approve staff's recommendations.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**6-2. Landscaping & Lighting Assessment Districts (LLAD) 1988-1 & 1996-**

**1**

(File #360-20)

The Community Development Director reported that this year's LLAD budget coincides with the City's two-year operating budget cycle and is done for planning purposes. However, pursuant to State law the Resolutions apply only to the upcoming fiscal year.

LLDA 1988-1. The assessments are not proposed to increase from the fiscal year 2007/08-assessment level and in fact have not increased in seventeen years.

LLDA 1996-1. The assessments are not proposed to increase from the 2007/08 assessment level and in fact have not increased since the District's inception in 1996.

Mayor Lieber opened the public hearing and after no one spoke closed the public hearing.

Council Member Okawachi presented Resolution No. 08-37 – A Resolution of the Albany City Council Confirming the Landscaping and Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1988-1 for Fiscal Year 2008-09 and Resolution No. 08-38 – A Resolution of the Albany City Council Confirming the Landscaping and Lighting Assessment District Diagram and Assessment and Levying Assessment for LLDA No. 1996-1 for Fiscal Year 2008-09.

**MOTION:**

After reading the title of Resolution No. 08-37 and No. 08-38, and waiving reading of entire Resolutions it was moved by Council Member Okawachi, seconded by Council Member Atkinson to approve Resolution No. 08-37 and No. 08-38.

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

NOES: None

MOTION: None

Motion carried and so ordered.

**7. UNFINISHED BUSINESS**

**7-1. Adoption of Fiscal Years 2008-09 and 2009-10 Operating Budgets**  
(File #330-20)

The Finance Director reported that before Council is the 2008/09 and 2009/10 Operating Budgets with no changes since the public hearing on June 2, 2008.

The following people spoke: Nan Wishner, Albany resident; Clay Larson, Albany resident; Maureen Crowley, Albany resident.

A summary of the comments is as follows: Requested additional money towards the IPM Program. Requested additional money for the cable program. Expressed concern with the proposed budget and very worried that there is no reserve funds and that the budget is balanced on the assumption that the economy would pick up.

Council discussed the issue of the IPM Program with some members favoring additional funds for the hiring of a IPM part time position with others against additional funds.

**MOTION:**

Moved by Mayor Lieber, seconded by Council Member Atkinson to take \$10,000 from the Council discretionary funds to add to the \$7,000 already budgeted for a part time IPM position.

AYES: Council Member Atkinson & Mayor Lieber

NOES: Council Members Javandel, Okawachi & Wile      ABSENT: None

Motion failed.

Council Member Atkinson presented Resolution No. 08-40 – A Resolution of the Albany City Council Adopting the Operating Budget for the City of Albany for Fiscal Years 2008/09 and 2009/10.

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Javandel to adopt Resolution No. 08-40 and authorize the transfer from the General Fund to the Waterfront Planning Fund of \$259,714 to complete the funding of the Waterfront Planning Project authorized by the City Council on April 2, 2008.

**ON THE QUESTION:**

Council Member Okawachi noted for the record that her vote is yes to approve the budget but no on the transfer of funds from the General Fund to the Waterfront Planning Fund.

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

NOES: None      ABSENT: None

Motion carried and so ordered.

9:20 p.m.      Council Recessed

9:25 p.m.      Council Reconvened



**7-2. Calling for Election and Submitting Measures to the Voters**  
(File #630-30)

The City Administrator reported that before Council is Resolution No. 08-36, which calls for the November 2, 2008 election to be consolidated with the Statewide general election and submitting the following Charter Amendments to the voters: Directly Elected Mayor; Timing for appointments to Boards, Commissions and Committees; Bid Procedures for public works contracts; City Council member compensation; City Council meeting start time.

The following people spoke: Michael Wallace, Charter Review Committee; Preston Jordan, Albany resident; Jerri Holan, Charter Review Committee; Bob Outis, Charter Review Committee; Nan Wishner, Albany resident; Maureen Crowley, Albany resident; Allan Maris, Albany resident.

A summary of the comments is as follows: Charter Review Committee approved two motions 1) Not to submit to the voters the matter of a directly elected Mayor and 2) Believe that the proposed ballot language for the directly elected Mayor is problematic and should not go on the ballot in its current form. Spoke about Instant Runoff Voting (IRV) and believes the directly elected Mayor measure should go on the June ballot. Stated that the Charter Review Committee approved all Charter Amendments before Council except for the directly elected Mayor noting there could be a person in office for 16 years. Believes that the Council compensation measure should include language regarding benefits and that the directly elected Mayor issue should be aired more fully. Spoke in favor of having a directly elected Mayor noting that Albany has no say on the "Super Regional Boards". Agreed with the Council compensation and change in meeting time asking that the start time be 7 p.m. and ending at 10 p.m. Disagreed with a directly elected Mayor and noted that the current practice of rotating between the Council members is much better. Believes that the Commissioners should be taken care of before Council as far as compensation and stated that appointments to the "Super Regional Boards" is given to the big powerful cities and having an elected Mayor would not change the appointment for Albany.

Council discussed the Charter Amendments before them with some favoring a directly elected Mayor and others opposing the change.

Mayor Lieber stated that he would like to propose some language changes to the directly elected Mayor measure. Page 3 – Limitation of Terms – add: In no event shall any person be eligible to serve for more than sixteen (16) consecutive years in any combination of Mayor or Council Member terms.

Section 5.01 – Elections – added that a candidate must receive at least fifty (50) percent plus one of the votes cast for the position of Mayor.

**MOTION:**

Moved by Mayor Lieber, seconded by Council Member Wile to approve the language changes to Resolution No. 08-36, as noted above.

AYES: Council Members Atkinson, Wile & Mayor Lieber

NOES: Council Members Javandel & Okawachi

Motion carried and so ordered.

Mayor Lieber presented Resolution No. 08-36 – A Resolution of the Albany City Council Calling and Giving Notice of a General Municipal Election to be Held

November 4, 2008 and Requesting the Board of Supervisors of Alameda County to Consolidate said Election with the Statewide General Election Authorizing the City Clerk or her Duly Authorized Officers to Carry Out all the Necessary Procedures for said Election; and for Submitting to the Voters Amendments to the Albany City Charter Sections 2.01, 2.02, 5.01, 5.02 and 5.03; an Amendment to the Albany City Charter Section 4.03; an Amendment to Albany City Charter Section 2.01 and Enactment of a New Section 2.08 of the Albany City Charter; and an Amendment to Albany City Charter Section 2.04 to the Qualified Voters of the City and Setting Ballot Language.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Mayor Lieber and seconded by Council Member Wile to adopt Resolution No. 08-36.

**ON THE QUESTION:**

Council Member Javandel explained that he would be voting no on the adoption, as he believes there should be additional discussion regarding the directly elected Mayor.

Council Member Okawachi explained that she would be voting no on the adoption, as she believes the directly elected Mayor issue should go back to the Charter Review Committee for more discussion.

AYES: Council Members Atkinson, Wile & Mayor Lieber

NOES: Council Members Javandel & Okawachi      ABSENT: None

Motion carried and so ordered.

**7-3. Acquisition and Renovation of Veteran's Memorial Building**

(File #670-20)

The Recreation & Community Services Director reported Council approved on February 4, 2008, \$4,000 to develop and distribute information community wide that would raise awareness, educate citizens and solicit community feedback regarding the potential acquisition and renovation of the Veteran's Memorial Building.

Staff is recommending unless there is demonstrated broader community interest, individual or group leadership for a ballot measure and/or a stronger economy, it is recommended that a tax measure to acquire, renovate and operate the Veteran's Memorial Building is not timely to submit to the voters in November, 2008, and instead this subject be revisited for the November, 2010 ballot.

Jerri Holan spoke stating that she would like to see another survey done and an Ad Hoc Committee be established and something be on the November, 2008 ballot.

Council discussed this recommendation and there was consensus of the Council that it is not the right time for this measure to go before the voters.

No Council action required.

**7-4. Contributions to City, Non-Profit, Local Public Agencies, Individuals and Other Organizations for Albany Projects or Programs.**

The Assistant City Administrator stated that the City received six (6) requests, which were referred to the Council subcommittee of the Mayor and Vice-Mayor to review and make recommendations.

Council Member Javandel recused himself due to a conflict of interest and left the room.

Council Member Atkinson stated that food and shelter groups are most important to her and would recommend \$1,000 to BOSS Homeless Program and \$4,000 to Meals on Wheels.

Mayor Lieber stated that he would like to see the amount split as follows: \$2,500 for BOSS Homeless Program and \$2,500 for Meals on Wheels.

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Wile to award \$2,500 to BOSS Homeless Program and \$2,500 to Meals on Wheels.

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

NOES: None

ABSENT: None

RECUSED: Council Member Javandel

Motion carried and so ordered.

Council Member Javandel returned to the Council Chamber.

**8. NEW BUSINESS**

**8-1. Ballot Measures to Support Funding Levels for General Municipal Services and for the Emergency Medical Services Program.**

(File #630-30)

The City Administrator recommended that staff be directed to draft a ballot measure for the November 2008 municipal election to increase the property transfer tax rate and to add a cost-of-living increase to the 2000 Measure N Emergency Medical Services Tax.

The current property transfer tax for Albany is \$11.50 per \$1,000 of value, which is revenue to the City's General Fund. The highest rates charged in the County is in Berkeley and Oakland at \$15/\$1,000 followed by Piedmont at \$13/\$1,000. The City of Albany last increased this fee in November, 2002 from \$8.50/\$1,000 to \$11.50/\$1,000 and received 57% voter approval.

The Emergency Medical Services Measure was approved in 2000 to fund Advanced Paramedic Life Support, Fire Engines and Future Ambulance Service at the rate of a flat \$18 tax per unit. However, there was no cost-of-living or other escalator clause and was projected to fund the designated emergency medical services costs for a period of 10 years. Without a cost-of-living escalator the ability of the revenues to keep pace with the associated expenses will diminish. A particular concern is the need for funds to purchase the next paramedic engine in 2019, which is estimated to cost \$840,000 in 2019 dollars.

The following person spoke: Bob Outis, Albany resident, expressed concern with the budget and noted he believes it is a staff budget rather than a Council budget with no meaningful input from the Council. Mr. Outis spoke against both tax measures.

Council asked Captain Weitzel for a report on being dispatched to Humboldt County. Captain Weitzel stated that due to mutual aid Albany dispatched one engine last Thursday to provide structural residence protection and came home Sunday afternoon.

**MOTION:**

Moved by Council Member Okawachi, seconded by Council Member Javandel to direct staff to draft a ballot measure for the November, 2008 election to increase the property transfer tax and to add a cost-of-living increase to the 2000 Measure N Emergency Medical Services Tax.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

Council Member Atkinson reported that she attended training in Oakland regarding transportation development and also attended a conference on land use planning.

Mayor Lieber announced the 4<sup>th</sup> of July celebrations at Memorial Park and also the opening of Memorial Park.

Mayor Lieber stated that he would be adjourning the meeting in memory of Ann Foss who passed away. Ms. Foss was an Albany employee and the Mother of Albany Police Officer, Steve Foss.

**10. ADJOURNMENT**

10:45 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Jacqueline L. Bucholz, CMC, City Clerk.

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ROBERT S. LIEBER  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

