

NOTE: These minutes are subject to Council approval and are not verbatim; however, tapes are available for public review.

**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION,**  
**COMMUNITY CENTER, 1249 MARIN AVENUE**  
**TUESDAY, SEPTEMBER 2, 2008**

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**7:00 p.m.**

**WORK SESSION**

Fiscal Years 2008-2013 Capital Improvement Program.

The City Administrator stated that the Capital Improvement Plan (CIP) is presented every two (2) years and is updated as part of the budget cycle with a five-year format.

The City Administrator noted that amendments can be made to the CIP even if it is adopted; however, it is not flexible to undertake new projects in the next year unless directed by the Council and something is deleted in its place.

The Public Works Manager gave a presentation on the various projects and handed out a map with the various CIP projects listed.

The City Administrator noted that the financial aspect of the CIP would be handled during the public hearing section of the 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; Charles Adams, Finance Director; Ann Chaney, Community Development Director; Rich Cunningham, Public

Works Manager; Barry Whittaker, Project Manager; Randy Leptien, Engineer; Penelope Leach, Recreation & Community Services Director; Marc McGinn, Fire Chief; Jay Jorgensen, Captain Fire Department; Mike McQuiston, Police Chief.

**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, July 21 & August 4, 2008.

Staff recommendation: Approve.

- 4-2.**
- a. Ratification of City of Albany net payroll in the amount of \$208,871.24; taxes, benefits & withholdings in the amount of \$161,931.88. Total payroll in the amount of \$370,80312. Payroll period: 08/01/08.
  - b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$57,217.17; taxes, benefits & withholdings in the amount of \$44,082.75. Total payroll in the amount of \$101,299.92. Payroll period: 08/01/08.
  - c. Ratification of City of Albany net payroll in the amount of \$197,393.28; taxes, benefits & withholdings in the amount of \$241,832.86. Total payroll in the amount of \$439,186.14. Payroll period: 08/15/08.
  - d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$55,126.48; taxes, benefits & withholdings in the amount of \$44,685.70. Total payroll in the amount of \$99,812.18. Payroll period: 08/15/08.

Staff recommendation: Ratify.

- 4-3.**
- a. Ratification of bills, claims & demands against the City of Albany in the amount of \$923,013.03. Period: 07/25/08.
  - b. Ratification of bills, claims & demands against the City of Albany in the amount of \$31,707.92. Period: 08/01/08.
  - c. Ratification of bills, claims & demands against the City of Albany in the amount of \$708,509.46. Period: 08/08/08.

**4. CONSENT CALENDAR**

d. Ratification of bills, claims & demands against the City of Albany in the amount of \$990,805.36. Period: 08/22/08.

Staff recommendation: Ratify.

**4-4.** Pension payments for the month of July, 2008, in the amount of \$111,069.65.

Staff recommendation: Ratify.

**4-5.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of June 30, 2008, as required by Section 53646 of the California Government Code.  
(File #300-10)

Staff recommendation: Note and file – information only.

**4-6.** Mayor Lieber appointing Nancy Peterson to the Traffic & Safety Commission and Preston Jordan to the Charter Review Committee.

Staff recommendation: Information only.

**4-7.** Amendment to Alameda County Waste Management Authority Joint Powers Agreement, which states a two-thirds majority of the authorized vote, shall be required for expenditures of \$500,000 or more.  
(File #600-40)

Staff recommendation: Approve.

**4-8.** Consideration of Claim #AL580; Manzone & State Farm Insurance v. City.  
(File #170-60)

Staff recommendation: Reject the claims and authorize the City Clerk to send out the rejection letter.

**4-9.** Request for Temporary Street Closure around Memorial Park for a Triathlon sponsored by Albany High School Athletic Boosters.  
(File #820-70)

Staff recommendation: Approve request by Albany High School Athletic Boosters to close off the streets immediately around Memorial Park and Albany High School (Key Route-north side, Portland, Thousand Oaks and Carmel) on Sunday, September 28, 2008 from 7:00 a.m. to noon (actual

**4. CONSENT CALENDAR**

race extends from 8:00 a.m. to about 11:00 a.m.). Waive fee in the amount of \$131.09.

**4-10. Fire Engine Purchase.**  
(File #600-30)

Staff recommendation: 1) Authorize the City Administrator to enter into a purchase agreement with Pierce Manufacturing Inc., for a new fire engine, the amount not to exceed \$625,000. 2) Adopt Resolution 08-52 – A Resolution of the Albany City Council Authorizing the City Administrator to Enter into a Tax Exempt Installment Purchase Agreement with Municipal Services Group, in an Amount Not to Exceed \$375,000.

**4-11. Gilman Sports Fields - Loan of funds for ball field design.**  
(File #600-40)

Staff recommendation: Authorize staff to negotiate an agreement with the agency members of the Gilman Sports Field Joint Powers Agreement (JPA) for future repayment of funds advanced by the City of Albany for the burrowing owl habitat mitigation project, in order to assist the JPA to move forward with designing the remaining Gilman ball fields.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar. The following items were removed: 4-1 & 4-11.

**4-1. Council Minutes, August 3, 2008.**

Mayor Lieber made the following correction: Page 4 – third paragraph changed the word “agreed” to “proposed”.

Bob Outis, Albany resident, made the following correction: Change the reference in Mayor Lieber’s motion from Ordinance No. 08-09 to Ordinance No. 08-06. Mr. Outis noted that staff reminded Council that No. 08-06 contained the original set of SEJC recommendations and the motion was revised accordingly.

**4-11. Gilman Sports Fields**

Council Member Okawachi asked when the City would be reimbursed the \$75,000 loan.

Mayor Lieber asked that a date certain be put into the document regarding emergency repayment, as needed.

The following people spoke on this item. Clay Larson, Albany resident; Robert Cheasty, CESP; Sally Outis, Albany resident; Greg Lyman, Softball League;

A summary of the comments is as follows: Asked the Council to not approve the loan and to close the books and pay it now. Supported the recommendation and noted that

#### 4. CONSENT CALENDAR

this is a great cooperative effort and noted that saving species is a worthwhile goal. Expressed concern about items on the Consent Calendar and believes this should be on the regular agenda, as it is spending taxpayer money. Announced the Opening Celebration of the fields, Saturday, September 6<sup>th</sup>, 10:30 a.m. at the Gilman Sports Fields.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to approve the Consent Calendar.

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

Council made the following announcements: 1) Centennial Celebrations: Friday, September 26, AHS Alumni get together at Golden Gate Fields, Turf Club 6 – 8 p.m. Saturday, September 27, Dinner with Albany. Sunday, September 28, 11-3 Memorial Park, picnic lunch and official program at 2 p.m. 2) Albany/Berkeley Historical Societies sponsoring a boundary walk September 26, 10 a.m. 3) Beach Cleanup, Saturday, September 20 in the a.m. 4) Solano Stroll – Sunday, September 14, 2008. 4) Wednesday night concerts at Memorial Park.

Council Member Wile made a statement regarding the upcoming elections both National and Local asking that Albany citizens conduct themselves in a respectful civil manner.

The following people spoke: Bob Outis, Albany resident; Dave Price, Little League Field User Group; Robert Cheasty, President, Solano Avenue Association; Clay Larson, Albany resident; Allan Maris, Albany resident; Sally Outis, Albany resident; Nick Pilch, Albany resident; Caryl O'Keefe, Albany resident; Jim Cleveland, Albany resident. Mr. Hutchinson.

A summary of the comments is as follows: Expressed concern that the Albany Campaign Finance Ordinance was not on the agenda for second reading noting the emergency passage on August 4<sup>th</sup> is void and if the City does have an Ordinance it is in the form of what was on the books originally. Announced the Field User Group would be sponsoring a Council debate on September 29, 7 p.m. with a focus on youth and sports fields. Noted the passing of former Mayor Good and stated he was a man of strong principles and that he would be missed. Agreed that a second reading of the Campaign Finance Ordinance was in order and spoke to an e-mail from the City Attorney to the Council, which borders on a serial meeting. Announced the following events: 1) Social & Economic Justice Commission is sponsoring Peace Day on September 21 at the Albany Waterfront, noon to 3 p.m. 2) September 28 a triathlon would be held to celebrate the City's Centennial at Memorial Park. Thanked Council Member Wile for her statement and underscored the importance of what was said. Noted that the Attorney for CAN is not a member of the Charter Review Committee and does not live in Albany. Also noted that it was mentioned that the Charter Review Committee held up the discussions on Campaign Finance, which is incorrect as the Social & Economic Justice

## **5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**

Commission dealt with this issue. Encouraged the Council to do their homework and research and to get the facts straight. Made a proposal to the City to convert the City pickup truck to 100% electric if given \$8-10,000 for parts. Informed Council of action taken by the Port of Oakland that would impact West Albany regarding an increase in traffic and noise. Asked the Council to put this subject on a future agenda. Announced that former Friends of the Albany Library, Mary Hartung, passed away last week and that a memorial is being planned. Asked the Council to include the Planning & Zoning Commission and the Waterfront Committee in the Albany rewind so that people could watch these meetings via the computer.

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

### **5-1. Remembering Robert Good, former Mayor and Council Member.**

The Mayor, Council, City Administrator, City Attorney, City Clerk and the following people remembered Robert Good: Joe Good, Anne Good, Jim Cleveland and Peggy Thomsen.

## **6. PRESENTATION/PUBLIC HEARING**

### **6-1. Proclamation**

Mayor Lieber read a proclamation that was requested by the Aging & Adult Services, which proclaims the week of September 21, 2008, as "Fall Prevention Awareness Week" in the City of Albany.

### **6-2. Capital Improvement Plan Budget – FY 2008-09 through 2012-13 (File #330-20)**

The Finance Director reported that every two years the City Council adopts a five-year Capital Improvement Plan (CIP). The expenditures scheduled for FY 2008-09 and 2009-10 would be incorporated into the comprehensive operating budgets for those years. While the funding for most projects has been identified, projects may be included for which funding has not been identified or projects that are only partially funded.

The Finance Director went over the objectives of the CIP, the project groups and funding sources.

Mayor Lieber opened the public hearing and the following people spoke: Allan Maris, Albany resident; Nick Pilch, Albany resident; Ed Fields, Albany resident; Clay Larson, Albany resident.

A summary of the comments is as follows: Expressed concern about Measure R funds and Albany hill land noting he did not want this forgotten and would like to see it in the budget. Also expressed concern about the amount of money available for the Pierce Street Park noting he did not believe it was enough. Spoke about the grant money, paths, trails and pedestrian safety. Expressed concern that the Adams Street pedestrian

**6-2. Capital Improvement Plan Budget – FY 2008-09 through 2012-13**

bridge and the Ohlone Greenway addition are not included in the CIP. Noted that the Strollers and Rollers group were concerned about Measure F prioritization and no action should be taken until the Traffic & Safety Commission has made a recommendation. Disagreed with changing Kains from a one-way street to a two-way street noting it was not a good idea and should not be pursued. Noted that regarding the process believes it is moving too fast.

There being no one else wishing to speak Mayor Lieber closed the public hearing.

Council Member Javandel stated that the CIP budget could be adopted now but Council could still tweak the budget and reprioritize items.

Council Member Atkinson expressed concern about some of the prioritization and would like the Council not to take action tonight but to let people digest all the information that has been provided.

Council Member Okawachi agreed and noted that not all of her questions have been answered.

Council Member Wile stated that she would like to hear from the Traffic & Safety Commission and would like to postpone action.

Mayor Lieber spoke about Kains being changed and noted this came about a long time ago and he has raised concerns consistently. Mayor Lieber agreed to postpone action if staff does not need the adoption tonight.

The City Administrator commented that staff would publish the operating budget without the CIP and that this item could be continued to a meeting in October so that the Traffic & Safety Commission could get through their process and make a recommendation to the Council.

The consensus of the Council was to continue this matter until a meeting in October.

**7. UNFINISHED BUSINESS****7-1. Codornices Creek Restoration**

(File #405-40)

The Assistant City Administrator reported that the Codornices Creek Restoration Project is a multi-jurisdictional project involving the City of Albany, Berkeley and U.C. Berkeley. The project is to restore lower Codornices Creek and to improve water conveyance capacity between the Union Pacific Railroad Tracks on the west and San Pablo Avenue on the east. The project also includes a Class 1 bicycle/pedestrian trail and interpretive elements. There are 5 phases of the project: Phases 1 and 2 are completed. Phase 3 is in the process and Phases 4 & 5 are currently unfunded.

The Assistant City Administrator noted that 19 bids were received for the Lower Codornices Creek Restoration – Step 1, Phase 111, Site Improvement & CMU Wall at USPS, Lower Codornices Creek. The top bids all came in under the Engineer's estimate and staff is going through all the bids to make sure everything is in order before the contract is awarded.

**7-1. Codornices Creek Restoration**

The Assistant City Administrator noted that if a Class 1 bicycle trail is put in it would go through the current ball fields.

The following people spoke in favor of the ball fields and requested that the Council go on record that the ball fields would not be impacted and that a new Memorandum of Understanding between the City and U.C. Berkeley be re-negotiated for creek restoration and the associated bike path in order to maintain the existing ball fields at U.C. Village.

Kim Sterner; Rex Higgenbotham, Albany resident; Gary Glass; Jon Ely, who submitted a petition with 343 signatures; Nick Pilch, Strollers and Rollers; Ann; Rob; Brian Parsley, Albany resident; Frank Knowles, Albany resident; Shane Higgenbotham, Albany resident; Roger Carlson, Albany resident; David Bersom; Dave Grass, President, Little League; Peggy Thomsen, Albany resident; Jeff Shipley; Allan Maris, Albany resident.

Council Member Okawachi stated that she is a big supporter of Little League and would like to see a motion made to support Little League.

Council Member Wile noted that sports is very important to her but believes the user groups should meet and come up with a plan and report back to Council.

Mayor Lieber encouraged the speakers to participate in the planning process regarding Whole Foods and noted that the City does not have the final say on this and the field users should be speaking with U.C Berkeley asking what their plans are.

Council Member Atkinson stated that the City has been working very hard in keeping the fields.

Council Member Javandel agreed that the ball fields are a part of Albany's heritage and should be part of its future to support healthy activities for the children and believe it important to make the City's position very clear.

**MOTION:**

Moved by Council Member Javandel that staff bring back a Resolution with the following language included: That the City of Albany resolves that the three Albany Little League baseball fields at UC Village should remain undiminished in their current location and configuration; and that any creek restoration, trail or other project that impacts the Little League fields shall include and be preceded by construction of replacement ball fields to avoid loss of use or capacity by the Albany Little League.

**ON THE QUESTION:**

Council Member Atkinson stated that she agrees with the support but does not agree with the construction part of the motion.

Council Member Javandel stated it is important that the City has a contingency in place.

Council Member Okawachi agreed with Council Member Javandel.

The City Administrator stated that staff could bring back a Resolution with options.

**AMENDED MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to instruct staff to bring back a Resolution at the next meeting with alternatives including the language submitted tonight.



**7-1. Codornices Creek Restoration**

**VOTE ON THE MOTION:**

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

NOES: None ABSENT: None

Motion carried and so ordered.

**7-2. City Hall Retrofit and Public Safety Building Retrofit and Renovation Project and Temporary Relocation of City Hall, Police & Fire Departments (File #200-20)**

a. Monthly Status Report. The Public Works Manager gave the monthly status report noting that all the work has been performed within the City Hall portion of the project area and that the Police and Fire Departments were relocated to their temporary location at Monroe Street on August 27, 2008.

The Public Works Manager noted that Change Order #3 – Casework and Countertops was an anticipated cost.

Frank Knowles, Albany resident, spoke noting that it is his belief that some of the projects have gone astray and urged the Council to be diligent and oversee this project.

b. Resolution No. 08-53. Council Member Javandel presented Resolution No. 08-53 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. 08-03 – Site Improvements, Temporary Police & Fire Facilities.

**MOTION:**

After reading the title of Resolution No. 08-53 and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Okawachi to adopt Resolution No. 08-53.

**VOTE ON THE MOTION:**

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

NOES: None ABSENT: None

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Automated External Defibrillator (AED) (File #585-15)**

Mayor Lieber commented that he asked for this item and supports AED as a life saving measure and would like to see them become more readily available and accessible to the community. One way to accomplish this goal is to place them in mobile units, such as police patrol vehicles.

Council Member Wile stated that people tend to go immediately to the Fire Department for help in health emergencies rather than the Police Department.

**8-1. Automated External Defibrillator (AED)**

**MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Wile to extend the meeting 15 minutes.

Motion carried and so ordered.

The following people spoke on this subject: Brian Parsley, Albany resident; Frank Knowles, Albany resident.

A summary of the comments is as follows: Noted that UC Police Department has 18 AED units in all the marked police vehicles and some at the Police Department. Supported the idea and believes this is a good use of public funds.

**MOTION:**

Moved by Mayor Lieber, seconded by Council Member Atkinson to direct staff to report back regarding the purchase and placement of Automated External Defibrillators (AED) in police patrol units.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-2. Temporary, Part-time Community Engagement Specialist  
(File #740-40)**

Police Chief McQuiston recommended the Council authorize the recruitment and hiring of a temporary part-time Community Engagement Specialist to assist in neighborhood based community organizing.

The Police Chief stated that the 2008-09 Police Department budget contains funding for a Police Dispatcher position that is currently vacant. By leveraging the time delay between the position authorization and the time anticipated to hire a suitable candidate, sufficient funds should be available to support the proposed part-time temporary position.

Council Member Wile asked what is temporary and the Police Chief stated no more than 12 months.

Mayor Lieber stated that he supports this along with the Neighborhood Watch Program and would like to see an ongoing program continue after the position ends.

Council Member Atkinson commented that she also supports this position and that the City should be proactive and would volunteer to work with this person once hired.

Council Member Okawachi agreed it was a good idea.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Okawachi to extend the meeting 10 minutes.

Motion carried and so ordered.

The following people spoke on this item: Sally Outis, Albany resident; Allan Maris, Albany resident.

**8-2. Temporary, Part-time Community Engagement Specialist**

A summary of the comments is as follows: Agreed this is a good idea and noted the problem with volunteers is the time and the energy needed and support staff from the City would be great. Asked that the City make the program something people can do with limited time and energy.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to authorize the City Administrator to proceed with recruitment and hiring of a temporary, part-time Community Engagement Specialist to assist in neighborhood based community organizing in order to improve community emergency preparedness.

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**

Mayor Lieber announced the following: 1) Tom Bates Sports Fields dedication, Saturday, September 6 at 10:30 a.m. 2) Solano Stroll, Sunday, September 14, 2008. 3) Dinner with Albany Saturday, September 27, 2008. 4) Boundary Creek Walk, September 26, 2008 at 10 a.m.

**10. ADJOURNMENT**

11:25 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting in memory of Robert Good, former Mayor and Council Member and Mary Hartung and a moment of silence was observed.

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

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ROBERT S. LIEBER  
MAYOR

ATTEST:

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JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK