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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION,**  
**COMMUNITY CENTER, 1249 MARIN AVENUE**  
**MONDAY, OCTOBER 6, 2008**

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**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; Charlie Adams, Finance Director; Ann Chaney, Community Services Director; Kim Denton, City Treasurer; Penelope Leach, Recreation & Community Services Director; Chelle Putzer, Recreation Supervisor.

**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, September 15, 2008.**

Staff recommendation: Approve.

**4. CONSENT CALENDAR**

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$194,005.01; taxes, benefits & withholdings in the amount of \$159,724.01. Total payroll in the amount of \$353,729.02. Payroll period: 09/12/08.
- b. Ratification of City of Albany net payroll in the amount of \$196,520.23; taxes, benefits & withholdings in the amount of \$242,381.17. Total payroll in the amount of \$438,901.40. Payroll Period: 09/26/08.
- c. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,693.97; taxes, benefits & withholdings in the amount of \$42,250.30. Total payroll in the amount of \$98,944.27. Payroll period: 09/12/08.
- d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,951.74; taxes, benefits & withholdings in the amount of \$58,785.47. Total payroll in the amount of \$113,737.21. Payroll period: 09/26/08.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,167,714.62. Period: 09/09/08.
- b. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,045,464.85. Period: 09/19/08.
- c. Ratification of bills, claims & demands against the City of Albany JPA in the amount of \$150. Period: 09/19/08.

Staff recommendation: Ratify.

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

Staff recommendation: Ratify.

- 4-5.** Neilson Street Storm Drain Project Geotechnical Services.  
(File #600-30)

Staff recommendation: Approve Amendment No. 2 to Contract No. C07-13 Agreement for Consultant Services with URS Corporation for geotechnical engineering and inspection services during construction.

- 4-6.** Links to Candidate Websites on the City Website.  
(File #640-30)

Staff recommendation: Information only.

**4. CONSENT CALENDAR**

**4-7. Annual Green Albany Day Event.**  
(File #405-35)

Staff recommendation: Authorize an annual Green Albany Day, hosted by the City and administered by the Sustainability Committee in coordination with City staff, to promote environmental awareness within the community.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar. The following items were removed for discussion: Item 4-1, 4-5 & 4-6.

**4-1. Council Minutes**

Mayor Lieber noted some typographical errors on page 5 and asked that the following language be included: Page 5, last paragraph: Mayor Lieber noted that U.C. stated unequivocally its intent to put housing where the ball fields currently exist.

**4-5. Neilson Street Storm Drain**

Council Member Okawachi expressed concern about permanent damage due to the backfilling. The Public Works Director explained the process being employed.

**4-6. Links to Candidate Websites via City Website**

Council Member Javandel thanked staff for checking into his request to have candidate websites linked via the City website and agree with staff that it is not the time to do this in the middle of the campaign.

**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 Member Okawachi announced that she attended the Peace Day celebrations hosted by Allan Maris, which though not well attended was good.

Mayor Lieber announced that he attended the Centennial party and noted that there were about 2,000 people on Solano Avenue having a great time.

The following people spoke: Francesco Papalia, Albany resident; Nick Pilch, Albany resident & member of Strollers and Rollers; Ray Anderson, Albany resident; Michael, Centennial Triathlon Committee; Brian Parsley, Albany resident; Bob Outis, Albany resident.

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

A summary of the comments is as follows: Stated that the rules for the Solano Avenue Stroll are not being applied equally. It was noted that three Albany candidates shared a booth and, that therefore not all three paid the fee. Mayor Lieber stated that all three candidates did pay the fee. Urged the Council to support a Resolution with all options noted for the path in front of the USDA. Announced that the Lions Club would be hosting a Hawaiian dinner on October 18<sup>th</sup>, 4-7 p.m. at the Senior Center and the benefits would go to the seniors. Announced that the Centennial Triathlon was a success and that 70 people participated and presented water bottles to the Council thanking them for their support. Stated that the Gill Tract Subcommittee did not post a meeting notice and felt it was a public meeting and the residents of Albany are stakeholders. Spoke about the Campaign Finance Ordinance noting that the Council would not listen to him. The City Administrator announced the following events: Pancake breakfast at the Fire Station, October 11<sup>th</sup>, 9-3 p.m. and the Citywide garage sale, 9-3 p.m.

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

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

### **6-1. Solano Avenue Stroll**

Mayor Lieber read a proclamation acknowledging the 2008 Solano Avenue Stroll and presented Certificate of Appreciation to Robert Cheasty and Allen Cain.

Both Robert Cheasty and Allen Cain thanked the Council. Robert Cheasty noted that he also attended the Centennial celebration and had a great time.

### **6-2. Centennial Celebration**

(File #910-25)

Mayor Lieber read a proclamation recognizing the Historical Society, volunteers and the Recreation Department for their work on the "Dinner with Albany" event. Mayor Lieber presented Certificate of Appreciation to the following: Joan Larson, Jack Rosano, Dorothy Brown, Jewel Okawachi, Kim Denton, Ruth Ganong, Peggy McQuaid, Marshal Skinner, Karen Sorensen and Chelle Putzer.

Joan Larson thanked the Council noting what a wonderful event the Dinner with Albany turned out to be.

Council Member Okawachi stated that she has a proclamation from the City of Harwich, which was hand delivered by former Mayor Ed McManus who now serves on the Harwich City Council.

The City Administrator noted that this has been quite a year and thanked all the community organizations for their help on Centennial celebrations. Also thanked the Recreation & Community Services Director for her leadership on the events.

Council Member Okawachi thanked Golden Gate Fields for hosting the Albany High School Alumni party on Friday, September 26<sup>th</sup>, and thanked the Recreation

## **6-2. Centennial Celebration**

Department for the use of Memorial Park and the Veterans for the use of the Memorial Building on Sunday, September 28<sup>th</sup>.

## **7. UNFINISHED BUSINESS**

### **7-1. Waterfront Planning Process**

(File #490-20)

The City Administrator stated that tonight the Council would hear a presentation from Fern Tiger on the status of the Waterfront Visioning Process.

Fern Tiger, Fern Tiger & Associates, gave a power point presentation on the Waterfront Planning Process. Ms. Tiger noted that the project is being called "Voices to Vision" and noted that she has interviewed more than 70 residents, business & community leaders, elected officials, and City staff with a one-on-one interview. Also reviewed more than 5,000 pages of waterfront reports and planning documents from the past 40 years related to previous efforts to develop and enhance the waterfront.

Ms. Tiger stated that she made a comprehensive presentation to the Waterfront Committee and would be making presentations to other Commissions/Committees.

Mayor Lieber stated that he is very excited about this process.

Council Member Atkinson stated that she likes the work and believe it very important to hear from as many people as possible.

Council Member Javandel commented that he is excited that all of Albany is pulling together to get a vision for the entire City.

Council Member Okawachi noted that she is very impressed with how comprehensive the Report is and with the interviews.

Council Member Wile stated that she likes the idea of having small groups get together to discuss the Report.

The following people spoke: Robert Cheasty, CESP; Allan Maris, Albany resident; Ruth Ganong, Albany resident; Bob Outis, Albany resident; Trevor Grayling, Albany resident; Caryl O'Keefe, Albany resident; Clay Larson, Albany resident; Ed Moore, Berkeley resident; Francesco Papalia.

A summary of the comments is as follows: Noted that the interviews were very good and definitely was an open process and is looking forward to participating in the process. Expressed concern with how the data was analyzed and noted that the land use issue and the possibility of a lawsuit is an area that needs to be looked at carefully. Asked that as many people as possible be involved in the process. Liked the interview process but believe the project is ill advised and ill timed and also believe that the property transfer tax increase that is on the 2008 ballot is on because of the cost of this project. The City Administrator stated that the property transfer tax is a separate issue from the Waterfront issue. Expressed concern that not many people would take the time to read the entire report before coming to the small group meetings. Asked that the entire Waterfront area be looked at during this process. Asked that the density of the housing in this area be considered. Stated that the Waterfront should be looked at as a

### **7-1. Waterfront Planning Process**

whole and asked how the different options would be handled, such as: the absence of a racetrack or the presence of a racetrack.

Council Member Atkinson stated that she appreciates all the comments made tonight and hoped that a lot of people participate in this process.

Council Member Okawachi noted that she voted against this project due to the concern of the fiscal health of the City and still has that concern; however, agree that Fern Tiger is doing a great job and would encourage all residents to participate.

Council Member Javandel stated that he too had some concerns with approving this project before approving the budget but believes it is a valuable process and is confident that all views would be incorporated in the Report.

### **7-2. Unaudited Financial Statements**

(File #330-20)

The Finance Director gave a report that the financial results for the year were favorable in that revenues of \$13.8 million exceeded the budget by \$790,000, while operating expenses of \$15 million were \$300,000 below budget.

The Finance Director stated that due to the financial crisis that the Country is facing he would like to report on the City financial health. The City is not facing any significant crisis at this time, however, that doesn't mean the City would be untouched in the future.

The City investments are in LAIF and CalTrust. CalTrust does have some mortgage backed securities but not likely to exceed the earnings of the overall fund and it does not appear that any principal is at risk. The Finance Director stated that he believes the City is in good shape and its investments sound.

The Police & Fire Pension Board is monitoring the pension funds and has authorized an actuary to be performed. CalPers has investments in equities but has adopted a policy that the City's contributions would not be affected.

The Finance Director noted that the City would be affected by the low property transfer tax and sales tax and that staff would continue monitoring all the revenue.

Council Member Wile stated that the City might benefit now by the reconvening of the subcommittee that advised on the budget priority process.

Council Member Atkinson stated that at this time it appears that the City can go forward without taking any drastic actions.

Mayor Lieber stated that he is pleased to have a balanced budget and would encourage the City to continue its outreach to the homeless, as it could get worse with the financial situation.

The following people spoke: Clay Larson, Albany resident; Bob Outis, Albany resident.

A summary of the comments is as follows: Asked when the 2009 budget would be online and the Finance Director responded shortly. Spoke about CalPers and that it is a time bomb that will go off in the next 15 years. Spoke about the ballot measure to increase the property transfer tax noting that the money spent on the Waterfront is money

## 7-2. Unaudited Financial Statements

from the General Fund and the increase in the tax is to put money back into the General Fund.

### **MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to accept the unaudited financial report for the fiscal year ended June 30 ,2008, approve the updated schedule of inter-fund transfers and approve the carry-forward of the self-insurance reserve balances, as reported at June 30, 2008.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## 8. NEW BUSINESS

### **8-1. Resolution No. 08-62 – Preemption of Local Regulations of Pesticides (File #660-30)**

Mayor Lieber stated that he asked for this item to be on the agenda and would urge the Council to adopt Resolution No. 08-62, which urges the State of California to repeal preemption of local regulations of pesticides.

Council Member Javandel agreed with the Resolution but would like a stronger version with reference to the League of California Cities, as this organization works with other cities in the State and believe they can apply a lot more pressure on the State.

Mayor Lieber noted that there is a timing issue and the Resolution needs to be adopted tonight but would have no objection with the reference of the League of California Cities inserted into the body of the Resolution.

The following people spoke: Robert Cheasty, Albany resident; Helen Kasaris, Stop the Spraying organization; Sidney Madson, Albany resident and member of the IPM Task Force; Lenore, Albany resident; Lori Arnold, Albany resident.

A summary of the comments is as follows: Urged the Council to adopt the Resolution and spoke on behalf of all the people that are affected by this spraying. Spoke about the aerial and ground spraying for the Light Brown Apple Moth and urged the Council to act on this immediately. Urged the Council to adopt Resolution No. 08-62.

Council Member Javandel asked that the following language be inserted: Line 24, and the League of California Cities.

Council Member Wile presented Resolution No. 08-62 – A Resolution of the Albany City Council Urging the State of California to Repeal Preemption of Local Regulations of Pesticides.

### **MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Wile and seconded by Council Member Javandel to approve Resolution No. 08-62, with the additional language noted by Council Member Javandel.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Atkinson noted that she received an e-mail from Nan Wishner with the facts related to this Resolution.

**8-2. Gilman Sports Field JPA Representative**  
(File #600-40)

The City Administrator stated that five (5) cities belong to the Gilman Sports Field JPA and each City Council in the JPA appoints a Council Member as a representative to the JPA, as well as an alternate to attend in the absence of the primary representative.

Mayor Lieber noted that he currently is the primary representative with Council Member Javandel as the alternate; however, Council Member Javandel has advised that he is unable to continue to serve as the alternate at this time.

Council Member Atkinson stated that she would volunteer to be the representative.

Council approved the appointment by consensus.

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

**9-1.** October 11, 2008: Firefighters’ Pancake breakfast, 8 a.m. to noon, Monroe Street Fire Station; Citywide garage sale, 9 a.m. – 3 p.m.

**9-2.** October 18<sup>th</sup>: Police Bike Rodeo, 10 a.m. – 1 p.m. Cornell School.

Mayor Lieber announced that the Talbot Avenue dilapidated property has a new owner and look forward to seeing what the new owner will do with the property.

Council Member Javandel announced the International Walk to School Day and noted that he did not attend the Dinner with Albany, as he was in Long Beach at the League of California Cities conference.

**10. ADJOURNMENT**

10:40 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