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**MINUTES OF THE ALBANY CITY COUNCIL**  
**IN REGULAR SESSION,**  
**COMMUNITY CENTER, 1249 MARIN AVENUE**  
**MONDAY, DECEMBER 1, 2008**

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**7:15 p.m.**

Closed session to discuss real property pursuant to Government Code Section 54956.8:

Property:	Proposed Pierce Street Park, located across from 737 Pierce Street.
Negotiating Parties:	Caltrans, on behalf of the State; City Administrator & City Attorney, on behalf of the City.
Property:	Proposed Maintenance Center, 540 Cleveland Avenue
Negotiating Parties:	City Administrator & City Attorney, on behalf of the City; Western Forge& Flange, represented by James Clayton & Company, 2271 Lava Ridge Court, Roseville, CA 95661

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS**

The following people spoke on this item: Robert Earlhammer, Albany resident; Susan Reeves, Albany resident; Bob Pierce, Albany resident; Jackie Armstrong, Albany resident; Lisa Riser, Albany resident.

A summary of the comments is as follows: Noted that there are no parks on the northwest side of Albany and that the residents voted to have a larger park instead of a sound wall. Spoke about Caltrans and the promise that was made to have a park on Pierce Street. Noted that originally the plan was for a small park with a sound wall, however, it was changed to a bigger park and no sound wall. Stated that there are many children and dog walkers in the area that would use the park. Noted that Albany is a family oriented City and that there are not enough parks in the City. Offered to help develop the park if the City was interested.

**ADJOURN TO CLOSED SESSION**

**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; Randy Leptien, Engineer; Mike McQuiston, Chief of Police.

**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, November 17, 2008.

Staff recommendation: Approve.

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$196,192.55; taxes, benefits & withholdings in the amount of \$248,003.58  
Total payroll in the amount of \$444.196.13. Payroll period: 11/21/08

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,871.05; taxes, benefits & withholdings in the amount of \$59,999.96. Total payroll in the amount of \$116,871.01. Payroll period: 11/21/08.

Staff recommendation: Ratify.

**4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,049,999.46. Period: 11/14/08.

b. Ratification of bills, claims & demands against the City of Albany JPA in the amount of \$435. Period: 11/14/08.

Staff recommendation: Ratify.

- 4-4.** Consideration of Claims:
- a. #AL574; Zenith Insurance Company v. City of Albany
  - b. #AL583; Trammell v. City of Albany.
  - c. #AL586; Pock v. City of Albany.  
(File #170-30)

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

- 4-5.** Resolution No. 08-72 – A Resolution of the Albany City Council Amending Resolution Numbers 80-50, 87-58, 88-37, 90-122, 92-71, 93-12, 98-9, 02-48 and 04-24 Which Will Continue to Adhere to the Conflict of Interest Code, as Adopted and Incorporated by Reference Pursuant to the Fair Political Practices Commission Standard Conflict of Interest Code.  
(File #640-40)

Staff recommendation: Adopt Resolution No. 08-72.

- 4-6.** Resolution No. 08-74 – A Resolution of the Albany City Council Accepting the Offer of Dedication of a Conservation Easement Over a Portion of Codornices Creek between 5<sup>th</sup> Street and the Union Pacific Railroad Tracks.  
(File #670-40)

Staff recommendation: Adopt Resolution No. 08-74.

- 4-7.** Donation to City Urban Forestry Program of \$500 made by Albany Community Foundation.  
(File #150-70)

Staff recommendation: Information only.

- 4-8.** Comment letter to the California Air Resources Board regarding the Proposed AB 32 Carbon Emissions Reduction Scoping Plan.  
(File #660-40)

Staff recommendation: That the City Council authorize submittal of a comment letter to the Air Resources Board regarding the proposed scoping plan for implementation of AB 32.

**4-9. Polk Street and Madison Street Sewer Replacement Project.**  
(File #600-10)

Staff recommendation: Approve the plans and authorize the City Clerk to advertise for bids for the Polk Street and Madison Street Sewer Replacement Project - CIP Project P58.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar for discussion.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Wile to approve the Consent Calendar, as submitted.

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 asked if anyone would like to speak. City Council Members made the following announcements:

Council Member Atkinson announced: 1) That volunteers are needed during the holiday season and announced that Albany High School is collecting warm clothes, toys and canned foods. 2) Also noted that there is a toy box at the Community Center for the donation of toys.

Council Member Wile announced: 1) That she and Council Member elect Peggy Thomsen are working with the Solano Avenue Association and the Chamber of Commerce to develop a workshop regarding survival skills for Wednesday, January 21<sup>st</sup>, 7-9 p.m. 2) That the Design Team is working on ideas for the Gil Tract and would be meeting December 16, 7:30, at the Senior Center.

Mayor Lieber announced: 1) Attended a meeting and spoke against a ferry site at Gilman and Buchanan and urged everyone to attend a meeting in January. 2) Attended a meeting regarding anti spraying of chemicals and noted that a lawsuit has been filed against the EPA and the USDA for the spraying on Santa Cruz County.

The following people spoke: Ray Anderson, Albany resident; Allan Maris, Albany resident; Brian Parsley, Albany resident.

A summary of the comments is as follows: Announced that the Albany/Berkeley Lions Club is hosting a breakfast with Santa on December 13<sup>th</sup>, 8-11 a.m. at the Community Center, which include a photo with Santa. It was noted that donations would be accepted and the money received would be giving back to the Community Center. Noted that the Church on the Corner is sponsoring a gift recipient program to help the needy during the holiday season. Expressed concern with the behavior of some of the members of the Waterfront Committee. Requested that the Waterfront Committee meetings be televised.

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

**6. PUBLIC HEARING****7. UNFINISHED BUSINESS****7-1. Campaign Finance Reform Act**  
(File #630-40)

The City Administrator stated that Ordinance No. 08-011 is before Council for adoption of the second reading and that no changes have been made since the first reading. Staff is also recommending that a Task Force be established and staff to come back to Council with a recommendation.

The following people spoke: Allan Maris, Social & Economic Justice Commission; Brian Parsley, Albany resident; Peggy Thomsen, Social & Economic Justice Commission; Caryl O'Keefe, Albany resident.

A summary of the comments is as follows: Supports the formation of a task force and noted that some candidates in the last Municipal Election spent a lot of money and had special interest groups contribute to the campaign. Spoke about special interest groups during the last campaign and urged the Council not to adopt the Ordinance. Reminded the Council that the Social & Economic Justice Commission made several recommendations, one being the formation of a task force. Liked the information on the web and was hopeful that more information could be put on in the future.

Council Member Javandel stated that the Ordinance could be passed and used as a placeholder and that a task force be formed. Council Member Javandel noted that he is looking for an Ordinance that is best for the citizens.

Council Member Wile agreed that the Ordinance should be adopted and a task force established.

Council Member Atkinson agreed that the Ordinance should be adopted and used as a placeholder and stated that Mr. Stern should be a member of the task force.

Council Member Okawachi stated that she believes the only action that should be taken is the establishment of a task force and that the Social & Economic Justice Commission should be involved.

Council Member Atkinson introduced for second reading Ordinance 08-011 – An Ordinance of the Albany City Council Re-Enacting the Campaign Finance Reform Act of 1996.

**MOTION:**

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Atkinson and seconded by Council Member Javandel to adopt Ordinance No. 08-011 for second reading – pass-to-print. That staff be directed to return with a recommendation on the charge, general composition and timeline for a Campaign Finance Reform Act Task Force.

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

NOES: Council Member Okawachi                      ABSENT: None

Motion carried and so ordered.

**7-2. Capital Improvement Plan – Fiscal Years 2008-09 through 2012-13**  
(File No. 330-40)

The Finance Director reported that every two years the Council adopts a five-year Capital Improvement Plan (CIP). The expenditures that have been scheduled for fiscal years 2008-09 and 2009-10 have been incorporated into the comprehensive operating budgets for those years. The CIP contains project schedules that display, by year of expenditure, the funding and expenditures for 35 active project and 11 recently completed projects. While the funding for most projects has been identified, projects may also be in the CIP for which funding has not been identified or which are only partially funded at this time.

The Traffic & Safety Commission recommend that previously allocated funds be retained for 1) Buchanan Bicycle Path Project; 2) Stop Signs, Red Curbs, Speed Humps; 3) Cerrito Creek/Pierce Street Bicycle Path; 4) Jackson/Buchanan Traffic Signal.

It was noted that several completed projects has resulted in a cost savings due to grant and that the Commission recommended that funds previously allocated to these projects be released for use on other traffic management projects. The Commission also recommended that funding allocated for Marin Avenue Phase II (hardscape) is released for other projects, except \$40,000 for restriping enhancements and a bulb-out at Masonic Avenue. They also recommended that \$300,000 be allocated to the Buchanan Bicycle Path Project in anticipation of a construction grant that could require up to 20% matching funds.

The Finance Director stated that there is no General Fund financing of the projects in the CIP; however, some projects may require operating and maintenance expense funding from the General Fund after completion of the project. If operating funding is anticipated, this is disclosed in the "Funding Status/Operating Budget Impact" section of the project.

The following people spoke: Clay Larson, Albany resident; Ed Fields, Albany resident; Brian Parsley, Albany resident; Ruth Ganong, Albany resident.

A summary of the comments is as follows: Asked that funds be identified for the Waterfront Trail and the Linear Park. Urged the Council to delete reference to converting Adams from one way to two way. It was noted that the Traffic & Safety Commission excluded this but it still appears in the CIP and also believes there is a lot of confusing and erroneous information in the Traffic Management Plan. Agreed with previous speaker and believes the conversion of Adams should be taken out of the CIP and sent back to the Traffic & Safety Commission. Expressed concern that Albany Hill is not mentioned in the CIP but noted that money is earmarked for it.

Council Member Javandel spoke about the conversion of Adams and Kains noting that this came up because of speeding issues and was never a huge fan of the idea. Council Member Javandel noted that this could be dropped now recognizing that it may never happen.

Council Member Atkinson agreed that Adams/Kains conversion should be taken out and could always be looked at again in the future.

Council Member Javandel presented Resolution No. 08-54 – A Resolution of the Albany City Council Adopting a Five-Year Capital Improvement Plan for the City of Albany for Fiscal Years 2008-09 through 2012-13.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel to adopt Resolution No. 08-54. The motion to include the removal of the Adams/Kains two-way conversion.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8. NEW BUSINESS****8-1. Support for Albany Business during the Holiday Season**

(File #470-75)

The Assistant City Administrator stated that the holiday season is often a “make or break” time period for small businesses especially as economic times worsen. City staff, the Solano Avenue Association and the Albany Chamber of Commerce has been working together with the City’s economic development consultant to prepare and implement a strategic plan for the upcoming year. However, staff is also working to immediately implement any programs that can be of assistance to local businesses. Some of the ideas are: Purchase and install lights and decorations at the intersection of San Pablo and Solano Avenues; provide small reimbursement grants (e.g. \$100) to individual businesses for decorating their storefronts for the holidays; produce a TV and/or radio ad for holiday shopping in Albany.

The following people spoke: Robert Cheasty, President Solano Avenue Association; Caryl O’Keefe, Albany resident; Allan Maris, Albany resident; Ray Anderson, Albany resident; Allen Cain, Solano Avenue Association.

A summary of the comments is as follows: Thanked the Council for putting this item on the agenda and spoke of the various ideas to be implemented to try and stimulate business in Albany. Stated that one idea to have the City and the School District go in on the purchase of cherry picker, which could be used for putting up banners, lights, etc. Suggested that an ad be taken out in the local newspapers informing people of the businesses on Solano and San Pablo Avenue. Suggested that the holiday season be tied in with the Solano Stroll, as many people identify with that event. Urged the Council to include San Pablo Avenue when putting lights around the City noting that the City of Pinole does this to their portion of San Pablo Avenue. Spoke about the graffiti problem and noted that the Solano Avenue Association and the Chamber of Commerce are working to put together a letter that would be sent to the schools about the cost of removal of graffiti and the impact it has on the businesses.

Council Member Okawachi noted that in the past an ad has been put in the newspaper and agreed that San Pablo Avenue should be included.

Council Member Atkinson stated that she wishes that these ideas had been started earlier in the year and stated that she would be willing to contribute more than what staff is recommending.

Council Member Wile agreed that it is very important to help the local businesses and would be willing to spend \$7,000 from the Council discretionary funds.

Council Member Javandel agreed and suggested that a map of all the businesses be put on the website and geographically coded.

Mayor Lieber stated that he really liked the idea of a cherry picker and a banner program and noted that giving funds to help the businesses is in the City's best interest, as the sales generate sales tax.

The City Administrator noted that the Chamber of Commerce does have a business database on its website to search for products or services.

**MOTION:**

Moved by Council Member Javandel, seconded by Council Member Atkinson to authorize up to \$7,000 to help support the businesses in Albany to come out of the Council discretionary funds.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-2. Traffic Calming Warrant Criteria**

(File #590-20)

The Community Development Director reported that as a result of the Traffic Management Plan (TMP) process, the City Council adopted warrant criteria for stop sign installation in 1999. In addition, the TMP identified a project list that included traffic calming measures on residential streets, most of which have been implemented. Currently, the original TMP project list 40% complete with an additional 14% of projects in progress.

The City continues to receive requests from residents for the implementation of speed humps and currently there is no established policy to help guide staff regarding the placement of new traffic calming devices.

The Traffic & Safety Commission has embarked on a process to develop such criteria and Bill Burton, traffic engineer with DMJM Harris was hired to evaluate the criteria and advise the Commission.

Based on recommendations by the consultant, the proposed warrant criteria decreases the 85<sup>th</sup> percentile from 6 mph to 5 mph over the posted speed limit. Of the streets surveyed to date, only the 900 block of Cerrito Street would satisfy the new speed warrant for the implementation of traffic calming measures.

The proposed policy provides a formal process to assess traffic calming requests and has the potential to add projects to the original TMP list. Approximately \$130,000 remains in the Measure F funds for use toward all new traffic calming projects (not just speed humps). The cost to install one speed hump is estimated at \$5,000 each and if a traffic calming measure is warranted in the proximity to a school it could potentially qualify for a Safe Routes to School or Office of Traffic Safety grant.

Bill Burton, DMJM Harris, went over the warrant criteria and answered questions from the Council.

Council Member Atkinson asked about the timing of the project noting many residents get frustrated when nothing happens in a timely manner.

Council Member Javandel supported the installation of concrete humps, which he believes is a good approach.



Council Member Wile stated that this process is ok noting that many residents in the City believe that there is speeding Citywide.

The following people spoke: Ed Fields, Albany resident; Allan Maris, Albany resident; Preston Jordan, Albany resident.

A summary of the comments is as follows: Asked questions about the criteria and the 85<sup>th</sup> percentile and noted that Albany should have a traffic enforcement officer stating that the tickets would pay the salary. Questioned how much is spent and noted that the warrant procedure is expensive. Expressed concern about the speed limit of 25 mph noting that many of the streets in Albany are very narrow and two cars can't possibly pass each other.

Bill Burton, DMJM Harris, suggested that the word "posted" be deleted from Exhibit A.

Council Member Javandel stated that he agrees that the word posted should be deleted and that staff should check to see how many streets qualify.

Council Member Javandel presented Resolution No. 08-63 – A Resolution of the Albany City Council Adopting the Traffic Calming Warrant Criteria and Process, as Recommended by the Traffic & Safety Commission.

**MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Javandel and seconded by Council Member Atkinson to adopt Resolution No. 08-63.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-3. Buchanan Bicycle Pedestrian Path**

(File #600-50)

The Community Development Director reported that the Traffic & Safety Commission discussed an issue raised by the Albany Strollers and Rollers (AS&R) regarding the study of a third alternative route, which would cross at Cleveland Avenue in order to connect the proposed path with the over crossing,

The AS&R presented a Resolution to the Traffic & Safety Commission that the Commission recommend that the City Council support a full study of the Cleveland Option and the Council request USDA to participate in a full study of the Cleveland Option.

This was discussed with USDA who indicated its support in the City conducting a topographic survey on USDA land subject to the City's understanding that USDA does not support the third alternative.

It was decided by the City's consultant that the third option could be evaluated without a topographical survey at a cost of \$5,000. The City Administrator authorized the consultant to move forward to study the third alternative and USDA was informed of this decision. The study was performed and USDA acknowledged the decision regardless of its opposition to such a path. Therefore, a Council resolution is not necessary for purposes of including the third alternative into the Buchanan Bicycle Pedestrian Path study.

The following people spoke: Preston Jordan, AS&R; Nick Pilch, AS&R. A summary of the comments is as follows: Urged the Council to pass Resolution 08-73, which would officially acknowledge that the City has taken action on this matter.

Council Member Javandel presented Resolution No. 08-73 – A Resolution of the Albany City Council Supporting Full Study of the Cleveland Avenue Option of the Buchanan Bicycle Pedestrian Path.

**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. 08-73.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-4. Ordinance 08-012 – Speed Limit on Cleveland Avenue/Eastshore Highway**

The Community Development Director reported that pursuant to State law every jurisdiction is required to conduct an engineering and traffic survey every five (5) years with the purpose of establishing and enforcing limits for selected streets within the jurisdiction.

Kimley Horn completed an Engineering and Traffic Survey Volume for Speed Limits for the City in February, 2008. The following recommendations came from that study: 1) Downgrading the speed limit on Cleveland Avenue from 35 mph to 25 mph from the Contra Costa County limit line southerly to a point nine hundred feet (900') northerly of the northerly line of Washington Avenue. 2) Downgrading the speed limit on Eastshore Highway from 35 mph to 25 mph.

Council Member Javandel introduced Ordinance No. 08-012 – An Ordinance of the Albany City Council Amending Section 9-1.4B and C of the Albany Municipal Code to Decrease the Speed Limit on Cleveland Avenue and Eastshore Highway from 35 mph to 25 mph. First Reading.

**MOTION:**

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Javandel and seconded by Council Member Atkinson to adopt Ordinance No. 08-012 for First Reading.

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 Javandel stated that as a traffic engineer he very much enjoyed this Council meeting.

Mayor Lieber announced a special Council Meeting on December 8, 2008, at 7 p.m. for the installation of the newly elected officials.

Council Member Wile thanked Council Member Okawachi for her service and wished her a good time not being on the Council.

**10. ADJOURNMENT**

10:16 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting in memory of Mr. Ramirez, Golden Gate Fields employee.

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