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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
COMMUNITY CENTER, 1249 MARIN AVENUE
MONDAY, JUNE 2, 2008

7:30 CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

ADJOURN TO CLOSED SESSION

Closed Session pursuant to Government Code Section 54957.6 to discuss labor negotiations:

Agency Negotiator:	City Administrator
Employee Organization:	Albany Municipal Services JPA and City of Albany Public Safety Management

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; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Rich Cunningham, Public Works Manager; Randy Leptien, Contract Engineer; Kim Denton, City Treasurer; Charles Adams, Finance Director; Penelope Leach, Recreation & Community Services Director; Marc McGinn, Fire Chief; Mike McQuiston, Police Chief.

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

Mayor Lieber reported that Council gave staff instructions pursuant to the Executive Session.

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. a. Ratification of City of Albany net payroll in the amount of \$177,142.30; taxes, benefits & withholdings in the amount of \$226,857.45. Total payroll in the amount of \$403,999.75. Payroll period: 5/23/08.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,613.47; taxes, benefits & withholdings in the amount of \$58,645.34. Total payroll in the amount of \$110,258.81. Payroll period: 5/23/08.

Staff recommendation: Ratify.

4-2. Final Approval for Memorial Plaques Replacement Project by Albany Community Foundation and Albany Firefighters Association.
(File #150-70)

Staff recommendation: Accept the proposed Gift to City, with the provision that the City will be responsible for installation of the replacement plaques.

4-3. Temporary Closure of a portion of Buchanan Street the evening of July 4.
(File #820-70)

Staff recommendation: Approve the temporary closure of Buchanan Street west of the I-80/580 freeway interchange on July 4, 2008 from 5:30 p.m. to 10:00 p.m.

4-4. Ordinance No. 08-05 amending Albany Municipal Code Section 12-6.1 Regarding Adoption of Building Codes, pertaining to the abatement of dangerous buildings. Second reading – pass to print.
(File #440-30)

4. CONSENT CALENDAR

Staff recommendation: Approved for second reading and adopt Ordinance No. 08-05

- 4-5.** City Treasurer’s AB 1234 report on conference attended.
(File #640-15)

Staff recommendation: For information only.

- 4-6.** Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 and Assessment District No. 1996-1 for the 2008/09 Fiscal Year, and Set a Public Hearing for June 16, 2008 on the proposed assessments.
(File #360-20)

Staff recommendation: 1) Approve Resolution #08-30 - A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 for the 2008/09 and 2009/10 Fiscal Years (Pursuant to the Landscaping & Lighting Act of 1972), set a public hearing for June 16, 2008 on the proposed assessments; and 2) Approve Resolution #08-31 – A Resolution of Intention to Order Improvements and Levy Assessments in Assessment District No. 1996-1 for the 2008/09 and 2009/10 Fiscal Years (Pursuant to the Landscaping & Lighting Act of 1972), set a public hearing for June 16, 2008 on the proposed assessments.

Mayor Lieber asked if anyone would like to remove an item from the Consent Calendar and Item 4-6 was removed for discussion.

4-6. Council Member Atkinson asked whether any money had been set aside for acquiring the land on Albany Hill. The Community Development Director responded that the City had been using Measure R monies in the past but unfortunately that fund is getting low. The Community Development Director stated that the land referred to is one large 10-acre parcel and the asking price is in the millions.

Council Member Javandel asked if the City was looking at doing any work at Codornices Creek, adjacent to the ballfields and was told that nothing is planned.

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

Council Member Atkinson announced the following: 1) Blood drive on Wednesday, June 4 and noted that people could sign up on the website and encouraged everyone to participate. 2) Attended the volunteer dinner last Thursday and thanked staff for organizing the event.

Council Member Okawachi announced that the Chamber of Commerce, the Historical Society and the Education Foundation hosted the Taste of Albany last Sunday, which was very well attended.

Council Member Javandel announced the annual Albany Green Event scheduled for Sunday, June 8, 2008, 12 Noon to 5:30 p.m.

Mayor Lieber announced the following: 1) Attended the Chamber of Commerce mixer. 2) Attended Memorial Day services at American Post 292 and noted that Council Member Okawachi's brother was honored for his service during WWII. 3) Hosted a fundraiser for Loni Hancock and urged everyone to go out and vote tomorrow. 4.) Announced a memorial dinner for Utah Phillips who passed away recently.

The City Administrator announced that Peggy McQuaid and Nan Wishner were honored as Volunteers of the Year. It was also announced that on Thursday, June 12, 7:30 p.m. at the Community Center the Park & Recreation Commission would be having a meeting and a key item to be discussed would be the Ohlone Greenway improvements.

The following people spoke under Good of the City: Caryle O'Keefe, Albany resident; Brian Parsley, Albany resident.

A summary of the comments is as follows: Thanked the Fire Department for providing a fire truck at the Taste of Albany, which everyone enjoyed and noted that the Police Department and City staff were also very helpful. Spoke about the Codornices Creek Project and the Little League fields and asked that the City put this item on a future agenda.

6. UNFINISHED BUSINESS

6-1. Economic Development Program (File #600-30)

The City Administrator reported that as part of the City Council goal setting in 2007, Council identified economic development as a high priority. The Sustainability Committee recommended three firms to be interviewed, which was done by an interview panel that included representatives from the Sustainability Committee, Albany Chamber of Commerce, Solano Avenue Association and City staff. The panel recommended the firm of Neil Mayer and Associates, in conjunction with Darlene Rios-Drapkin from Urban Transformation.

Mr. Mayer and Ms. Rios Drapkin answered questions from the Council regarding the challenges in Albany with small business fronts, the recession and plans for beautification.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Wile to authorize the City Administrator to approve a one-year contract with Neil Mayer and

6-1. Economic Development Program

MOTION: (Cont)

Associates for start up of the City of Albany's Economic Development Program in an amount not to exceed 50,000.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6-2. Third Quarter FY 2007-08 Financial Statements

(File #330-20)

The Finance Director reported that the Quarterly Report reviews the status of City revenues and expenditures compared to the adopted budget for the fiscal year. This report is the third quarter of fiscal year 2007-08.

The Finance Director stated that the report speaks to revenue variances, expenditures variances and fund transfers. Staff is recommending that Council authorize a transfer from the General Fund to the Waterfront Planning Fund of \$259,713 to complete the funding the Waterfront Planning Project, which was authorized by the City Council in April of this year.

Council Member Atkinson asked whether the Ohlone Greenway maintenance is included in this and was informed that it is not part of the parks project but a separate item.

The following people spoke: Caryle O'Keefe, Albany resident; Clay Larson, Albany resident; Robert Outis, Albany resident.

A summary of the comments is as follows: Asked that the Council not approve the recommended transfer of money to the Waterfront Planning Project. Asked whether this was under the professional services budget and was told that it is not included in a line item but in the transfers. A question was asked about the earnings reported on the City's investments and noted surprise that the City is doing so well in the current economy. Believe that the City should consider the entire budget before making any decisions about transfers from the General Fund.

Council Member Javandel expressed concern about approving this transfer before the entire budget is looked at and is uncomfortable that this has been singled out as a special item. Council Member Javandel noted that he would have to vote against this due to the timing and not because he believes the Waterfront Planning Process is wrong but noted the budget process should be open and clear.

Council Member Okawachi stated that she would prefer that the funds go towards other needs and believes this is premature not knowing what Magna is going to do.

Council Member Wile commented that she believes this is the perfect time to make this transfer and should be tied into the work the City is doing economically.

The City Administrator stated that this item could be held over until the budget process is looked at and that it is not urgent that the transfer be done tonight.

Council Member Javandel noted that he would prefer this approach and noted that he believes advance planning is good and critical for the City.

6-2. Third Quarter FY 2007-08 Financial Statements

Mayor Lieber commented that he is pleased to see the City has a balanced budget and does not believe that by acting on this item tonight would impact the budget; however, does not have a problem putting this off until the budget is before Council.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Okawachi that the Third Quarter Report be received and that the recommendation to transfer \$259,713 from the General Fund to the Waterfront Planning Project be held over until the next meeting when the budget is before Council.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7. PUBLIC HEARING**7-1. Fiscal Year 2008-09 and 2009-10 Operating Budget**

(File #330-20)

The Finance Director reported that the FY 2008-09 budget is balanced with a small surplus and that the FY 2009-10 budget is currently not balanced and would be revisited in the future.

It was noted that the budget maintains all government services at current levels with some enhancements: Dispatch position added; increased funding for cable TV with a 75% funded technician; funds for the Integrated Pest Management (IPM); Updating of the General Plan; funds for Economic Development.

The Finance Director commented that the budget is fiscally sound with no unfunded hidden liabilities and noted that pension costs have been kept in line.

Mayor Lieber opened the public hearing and the following people spoke: Clay Larson, Albany resident; Robert Outis, Albany resident; Ed Fields, Albany resident.

A summary of the comments is as follows: Noted that the City must spend money to get a good project and spoke about the cable reserve fund. Expressed concern about the absence of projected fiscal year column and again spoke to the issue of investment earnings. Asked why the budget reflects that the economy would probably improve and yet projects a deficit.

The Finance Director responded to the investment earnings question noting that the City invests most of its money in LAIF and receives a yield; LAIF takes into account all losses and gains and then pays out based on the data.

Mayor Lieber closed the public hearing.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Wile to schedule and provide notice of a public hearing on June 16, 2008 for the fiscal year 2009-10 Capital Improvement Plan, Master Fee Schedule, Water Storm Fee, Library Services Fee and Sewer Services Fee.

7-1. Fiscal Year 2008-09 and 2009-10 Operating Budget

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. Assembly Bill 844

(File #660-40)

Council Member Javandel stated that he requested this item on the agenda, which deals with supporting legislation to reduce the theft of metal such as copper piping and catalytic converters. It was noted that Albany has experienced such thefts over the past few years and that the League of California Cities has encouraged cities to support the legislation.

Mayor Lieber noted that he researched this bill and discovered that the Assembly unanimously approved the legislation.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Atkinson to authorize the Mayor to send a letter in support of AB 844.

AYES: Council Member 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 and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items)

9-1. The City is sponsoring an Albany Community Blood Drive on Wednesday, **June 4, 2008, 8 a.m. – 1 p.m.** at the Community Center, 1249 Marin Avenue.

Council Member Atkinson spoke on the following items: 1) Commended the Police Chief for speaking to the students at Albany High on being responsible citizens and the Fire Department for going to the elementary schools and talking about fire safety. 2) Disaster Preparedness Group met and is still looking for people to become Block Captains. 3) Asked for a future agenda item on oversize vehicles parking around the City.

Mayor Lieber stated that the Assistant City Administrator’s Mother passed away and extends the Council condolences. Mayor Lieber stated that the meeting would be adjourned in memory of Anne Truax who passed away May 24, 2008 and noted that she

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

was a nurse, a member of the American Legion Post #292 and was on Omaha Beach, Day Two of D-Day.

10. ADJOURNMENT

9:25 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting in memory of Anne Truax a moment of silence was observed.

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

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK