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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, FEBRUARY 1, 2010

7:30 p.m.

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and the Mayor and Cub Scout Pack 3 led the Pledge of Allegiance to the Flag,

ROLL CALL

Present: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Mike McQuiston, Police Chief; Ann Chaney, Community Development Director; Penelope Leach, Recreation Director; Isabelle Ludoc, Senior Services 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. Minutes, January 19, 2010.

Staff recommendation: Approve.

4. CONSENT CALENDAR

4-2. a. Ratification of City of Albany net payroll in the amount of \$201,722.70; taxes, benefits & withholdings in the amount of \$168,049.56. Total payroll in the amount of \$369,772.26. Payroll period: 01/15/10.

4-3. b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$63,790.90; taxes, benefits & withholdings in the amount of \$43,736.74. Total payroll in the amount of \$107,527.64. . Payroll period: 01/15/10.

Staff recommendation: Ratify.

4-4. Ratification of bills, claims and demands against the City of Albany in the amount of \$611,757.06. Period: 01/08/10.

(File 300-40)

Staff recommendation: Ratify.

4-5. 2010-2011 Community Development Block Grant (CDBG) City-County Agreement.
(File #600-40)

Staff recommendation: Approve the use of FY 2010-11 CDBG funds projected to be in the amount of \$91,845 (\$85,245 jurisdictional improvements plus \$6,600 general administration) for the following projects: Meals on Wheels program - \$15,000; Alameda County Homeless Management Information System - \$1,473; 2-1-1 Program - \$5,000; Senior Center Expansion - \$63,772.

4-6. Resolution No. 2010-2 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. C08-29, Ocean View Sports Field Improvements.
(File #600-30)

Staff recommendation: Approve Resolution No. 2010-2.

4-7. Consideration of Claim #AL618; Kamooneh v. City of Albany.
(File #170-60)

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

4-8. Ratification of letter sent by Mayor Wile in support of East Bay Municipal Utility District funds for recycled water.
(File #1000-10)

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-9.** Letter in Support of Attorney General’s Petition to the California Supreme Court for review of Court decision nullifying Penal Code Section 12370, which prohibits a violent felon from possessing “body armor”.
(File #580-10)

Staff recommendation: Authorize the issuance of a letter in support of the Attorney General’s Petition for Review in this matter.

- 4-10.** Ratification of Police & Fire Pension payments in the amount of \$116,707.54 for the month of January, 2010.

Staff recommendation: Ratify.

Mayor Wile asked if anyone would like to remove an item from the Consent Calendar for discussion. Council Member Atkinson removed item 4-5.

4-5. CDBG Agreement

Council Member Atkinson questioned the amount listed on the agenda comparing to the amount listed on the staff report and asked for clarification. The Community Development Director responded.

MOTION:

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Wile opened the Good of the City City/Public Forum/Announcements and asked if anyone would like to speak.

The following people spoke: Allen Cain, Albany resident; Ray Anderson, Albany resident; Peggy McQuaid, Albany resident; Allan Maris, Albany resident; Jackie Hermes Fletcher, Albany resident.

A summary of the comments is as follows: Announced the Lunar New Year celebrations sponsored by the Solano Avenue Association. Asked when “In God We Trust” would be put back and stated that it didn’t have to go in the Council Chamber but should be in City Hall. Another speaker disagreed stating it was not appropriate. Thanked the City and the Eagle Scout who completed the project at the Waterfront by installing disabled parking. Announced a park cleanup at Ocean View School, Saturday, February 6, 9-4 and noted that a pot luck lunch would be held at noon. Asked that a ballot measure be put on the ballot to compensate Commission/Committee members and suggested this be referred to the Charter Review Committee. Stated that the League of California Cities is going to start gathering signatures for a November ballot measure,

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

which would prevent the State from raiding local monies and believed that the Vehicle License tax should also be restored. Spoke about the Mayoral appointments noting that it appears that partisan politics is being used and suggested that the appointments be more inclusive. Council Member Atkinson responded that each Council Member has the right to speak up if they don't agree with the appointments.

The City Council and staff made the following announcements: 1) Staff would be reviewing the complaints against the Smartmeters that there was an increase in bills after the Smartermeter is installed. 2) Handed out information for free neutering of pets to people who cannot afford to pay. 3) Urged people to be careful and to have their pets inoculated, as there has been two puppy deaths related to the parvo disease. 4) Met with the State Parks Department to give an update on the Voices to Vision. 5) Met with Chair of the Arts Committee to discuss street art. 6) Announced that the film "Age of Stupid", which deals with energy issues, is going to be shown at the Albany Library. 7) Read a letter of thanks to the Police & Fire Departments for their services during an emergency. 8) Noted that due to the preventative work performed by the Public Works Department there was no flooding in Albany due to the storms. 9) The trash cans on Solano Avenue would be powered washed once a month. 10) A special Council Meeting would be held on February 22 to discuss Council vision, mission and values. 11) The rededication of the Civic Center would be done sometime in March.

6. PRESENTATION/PUBLIC HEARING

6-1. Cub Scouts Pack 3.

Mayor Wile stated that as Council Member Javandel has a son in Cub Scouts Pack 3 she would like him to read and present the proclamation.

Council Member Javandel read the proclamation and presented to Pack 3 and noted that he was a cub scout, however, not in Pack 3.

7. UNFINISHED BUSINESS

7-1. Senior Center Expansion Project

(File #240-30)

The Recreation & Community Services Director reported that the City approved the expansion of the Senior Center after purchasing a 3,800 square foot parcel next door to the current Center. Staff is applying for a Statewide Park Development and Community Revitalization Program grant to fund the expansion. This grant is competitive and there will be two rounds awarding \$368,000,000 to critically underserved communities throughout the State. The 2009/10 State budget appropriated \$184,000,000 for the first competitive round and the deadline to submit the grant is March 1, 2010.

Community input is very important and ten community meetings have been held plus the Parks & Recreation Commission, the Arts Committee and Friends of the Seniors all have discussed this at scheduled meetings.

7-1. Senior Center Expansion Project

The proposed expansion would add approximately 3,000 square feet of indoor space, making the facility a total of approximately 7,000 square feet, not including the 4,000 square foot roof garden. The expansion features the following green features: 4,000 sq.ft. of roof garden to propagate native plants and create a habitat for native bees, birds and butterflies; 30 kw solar electric production system; solar hot water; super efficient under-floor radiant heating; LEED Gold rating; rooftop rainwater harvesting for landscaping and nursery; pervious paving to reduce runoff.

Todd Jersey, architect for the project, spoke about the proposed plans with an emphasis on the “green features”, which include a roof garden, a big gym with heated floors and maybe a greenhouse. It was noted that there will be no second story due to the high cost and not much more space in return.

The following questions were asked: 1) The senior van and parking due to the size of the van and staff responded that it would be parked on the street in front of the Center or at the Community Center parking lot.. 2) Would the Senior Center be open during the remodel and the architect responded that it would have to close. Staff stated that the facility could be finished by the end of 2012 if the grant is approved. 3) Is the small elevation wheelchair accessible and the architect responded that it was.

The following people spoke: Allan Maris, Albany resident and following is a summary of the comments: Appreciated the efforts made to have the building energy efficient and asked the percentage of solar for the building. The architect replied that this hasn't been decided yet and is just a placeholder. Where would the classes be held during the renovation and staff replied that classes would have to be moved around to other places, such as: Community Center and maybe School District facilities.

Council Member Atkinson asked if the multi-use room could be used by the School District and staff responded that it isn't big enough for gym use.

Council Member Javandel noted that he likes the design especially the showers and bicycle racks, which would encourage people to bike or walk.

Council Member Thomsen also agreed that the design is good and thanked everyone who worked hard on this project.

Council Member Lieber stated that he is pleased to see the City moving forward and is pleased to see the community input and the neighbors input.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Atkinson to approve the concept design for the Senior Center Expansion Project.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS**8-1. Street Art**

(File #900-10)

Mayor Wile reported that in New York City various community groups came together to paint a mural on a public street in Brooklyn. Not only was the street beautified but it also identified it to motorists, as a thoroughfare frequented by children in a way that conventional markings and signs do not.

Mayor Wile stated that she has spoken to the Chair of the Arts Committee about this and also has spoken to the School Superintendent and is recommending that it be referred to the Arts Committee and the Traffic & Safety Commission for review and recommendation.

Council Member Thomsen stated that it is a good idea to involve the students and believes that if the students do the work they would have a real appreciation for the project.

Council Member Javandel noted that the street art will eventually get beaten up over time but that is ok and hopes that it would draw attention to the motorists they are driving by a school.

The Albany School Superintendent stated that she believes this is a good innovative idea and had an enthusiastic response from the Principals and noted that the School District would do whatever it could to help.

The following people spoke: Allan Maris, Albany resident; Ray Anderson, Chair Traffic & Safety Commission; Peggy McQuaid, Chair Arts Committee.

The following is a summary of the comments: Expressed concerns about traffic safety and hope that the concerns would be addressed. Looking forward to working on this project. Stated that this is not only a project to be put in front of schools but could be a bigger citywide project.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen to refer this item to the Arts Committee for inclusion in the draft Arts Master Plan, with review by the Traffic & Safety Commission.

AYES: Council Member Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. Teen Center & Friendship Club Location Switch

(File #950-10)

The Recreation & Community Services Director reported that the Community Liaison from UC Village suggested to City staff the idea of switching the location of the Albany Friendship Club and the Albany Teen Center. This suggestion comes at an ideal time for the following reasons: 1) City staff has recently been struggling with the transportation of students to the Friendship Club, as enrollment is increasing and 2) a recent audit by the California Highway Patrol (CHP) regarding the City's 15-passenger vans has decreased the number of students staff can transport. The CHP advised the City

8-2. Teen Center & Friendship Club Location Switch

that drivers transporting more than nine minors must have a Youth Bus Certification. This certification costs \$2200 per driver.

Staff supports the location switch of the Teen Center and the Friendship Club noting that the number of trips needed to transport students would be significantly reduced throughout the school year.

The Park & Recreation Commission also discussed this and approved of the locations being switched.

The following people spoke: Kristina Osborne, Albany resident; Ray Anderson, Prevention Council; Allan Maris, Albany resident; Jackie Hermes Fletcher, Albany resident,

A summary of the comments is as follows: Approve of the switch but would like to see the “Bill Lewis Teen Center” sign stay with the building. A question was asked about the space and staff noted that portables would be added to the Ocean View site. Spoke in favor of having a stove at the Friendship Club and staff responded that the kitchen is being remodel to include this. Staff also noted that the “Bill Lewis” would stay.

Council Member Javandel noted that the current locations made sense when the Middle School was at Ocean View.

Council Member Thomsen stated that the history must be maintained and urged the City to speak with Bill Lewis.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen to approve switching the locations of the Friendship Club and the Teen Center.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-3. Open Container Ordinance

(File #100-95)

The City Administrator reported that Council has been approached by a citizen to consider adopting an ordinance, which would prohibit the drinking of alcohol beverages in public places, in which he noted a particular problem in his neighborhood.

It was noted that this has been previously discussed by the Social & Economic Justice Commission and was tabled, as it was generally not perceived to be a significant issue for the community at that time.

Mayor Wile is recommending that this be sent back to the Social & Economic Justice Commission for review and recommendation.

Council Member Lieber stated that it is a good idea and should be discussed but that there should be some exceptions for special events, such as music in the park, block parties, etc.

Council Member Thomsen expressed concern about residential areas and stated that the City should be careful about the wording for the exceptions.

8-3. Open Container Ordinance

Council Member Javandel stated that block parties must have a permit and included in the permitting process should be a waiver for alcohol.

The following people spoke: Brian Parsley, Albany resident; Kristina Osborne, Albany resident; Jackie Hermes Fletcher, Albany resident; Ray Anderson, Albany resident.

A summary of the comments is as follows: Noted that Albany is the only City in the East Bay that does not have an Ordinance for prohibiting alcohol in public places and agreed that there should be an exception clause. Asked a question on why this was being discussed and whether there is a need or would it be like the smoking ordinance that is not enforced. Agreed about having law stating it was just one more law on the books. Noted that at the last Traffic & Safety meeting a resident spoke about this and the noise factor after 2 a.m.

Police Chief McQuiston stated that from a police perspective if this law is on the books it helps if a problem does occur.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to refer this to the Social & Economic Justice Commission to report back to the City Council in three months with 1) Advantages and disadvantages of the city adopting an “Open Container” ordinance. 2) Provisions the Commission would recommend be considered for inclusion or exclusion if an ordinance were to be adopted.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-4. Letter to the EPA Regarding Disclosure of Inert Ingredients in Pesticides.

(File #560-85)

Council Member Lieber stated that the Environmental Protection Agency (EPA) would be voting on whether ingredients in pesticides should be disclosed and noted that he had a meeting with Congress Woman Lee and Congress Woman Wolsey regarding this issue.

Council Member Lieber commented that he is recommending that the City go on record as supporting the disclosure and authorize the Mayor to send a letter that Nan Wishner drafted.

Council Member Javandel suggested language to be added to the letter to consider particulate size consistent with the Air Quality Emissions Standard.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Lieber to authorize the Mayor to send a letter to the EPA and to include the added language and that the letter be sent to Albany’s Congressional representatives, Congress Woman Wolsey and the Administrator of the EPA.

8-4. Letter to the EPA Regarding Disclosure of Inert Ingredients in Pesticides.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Lieber thanked Nan Wishner for her help in drafting the letter to the EPA.

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

The following announcements were made: Council Member Lieber 1) stated that the proposed Initiative by the League of California Cities would be on the next Council meeting for support. 2) Noted that local government, including counties and cities, have systematically been removed from the process regarding the Delta Water Peripheral Canal,

Mayor Wile 1) Noted that Pete Dowling was in the audience tonight and that he was given his certificate honoring his 90th birthday. 2) Blood Donor Month was last month and urged everyone to give blood. 3) Eleanore Moses was appointed to the Commission on Aging. 4) ACTIA has a vacancy.

Council Member Javandel noted that discussions have taken place at the Congestion Management Authority (CMA) approving the move to merge the CMA and ACTIA under one JPA, which would have more staff efficiency and a consolidated Board.

10. ADJOURNEMENT

9:00 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

10. ADJOURNEMENT

Minutes submitted by Jacqueline Bucholz, CMC, City Clerk.

Joanne Wile
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk