

Approved: March 15, 2010

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,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MARCH 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 City Administrator 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; Charlie Adams, Finance Director; Aaron Walker, Human Resources Manager; Kim Denton, City Treasurer; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Penelope Leach, Recreation & Community Services Director.

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, February 16 & 22, 2010.

Staff recommendation: Approve.

- 4-2. a. Ratification of City of Albany net payroll in the amount of \$192,649.02; taxes, benefits & withholdings in the amount of \$156,692.81. Total payroll in the amount of \$349,341.83. Payroll period: 02/12/10.
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,371.62; taxes, benefits & withholdings in the amount of \$41,372.39. Total payroll in the amount of \$95,744.01. Payroll period: 02/12/10.

Staff recommendation: Ratify.

- 4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of \$26,493.15. Period: 02/01/10.
- b. Ratification of bills, claims and demands against the City of Albany in the amount of \$3711, 652.71. Period: 02/05/10.
(File #300-40)

Staff recommendation: Ratify.

- 4-4. Ratification of Police & Fire Pension payments for the month of February, 2010 in the amount of \$116,662.26.

Staff recommendation: Ratify.

- 4-5. Ordinance No. 2010-01 – An Ordinance of the Albany City Council Amending Chapter XII, Building and Housing to Include Regulations Adopting the California Water Efficient Landscape Ordinance. Second Reading.
*(File 100-95)

Staff recommendation: Approve Ordinance No. 2010-01 for Second Reading – Pass-to-Print. Waiving reading of entire Ordinance.

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

Ms. Kristina Osborne asked a question on item 4-5 on what this relates to and staff informed her that it is a State mandated law and does not affect a residential owner.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Thomsen 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

The following announcements were made by the City Council: 1) Les Rogers, Vice Principal of Albany High School passed away and services would be held on Saturday, March 6, 1 p.m., at Northbrae Community Church. 2) Cub Scout pancake breakfast, March 6, 8:30-11 a.m. Veterans Building. 3) St. Patrick’s Day dinner, Sunday,

March 15, 5 p.m. at the Veterans Hall. 4) Received an e-mail from Janet Katz regarding a Statewide Proposition for additional tax on cigarettes, which is sponsored by the American Cancer Society, Hearth Association and Lung Association. 5) Petitions are ready to sign for the proposition, which prohibits the State from raiding local revenues. 6) Attended a meeting with the City of Berkeley on a positive re-enforcement program. 7) Attended a strategic planning meeting with the Albany schools. 8) Attended a meeting with the Albany Superintendent of Schools and the Mental Health Director regarding additional funding for counselors at Albany schools. 9) Attended a meeting of the Solano Avenue Association regarding help on the Oaks Theatre.

The following people spoke: Ed Fields, Albany resident; Karen Olson, Albany High student; Peggy McQuaid, Albany resident.

A summary of the comments is as follows: The following announcements were made: 1) the film "Age of Stupid" is going to be shown by the group Transition Albany at the Albany Theatre on March 7, 11:30 a.m. 2) Earth Hour event, which is encouraging people to turn off lights on March 27, 8:30 – 9:30 p.m. 3) March 6, 9-4 p.m., Memorial Park cleanup with a pot luck at noon.

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

6. PRESENTATIONS

6-1. State of the City and Department Presentations.

The City Administrator gave a power point presentation covering the following subjects: Strengths, Weaknesses, Opportunities and Challenges; duties/responsibilities and pending items; mandated v. optional services; what can be done differently.

The following presentations were made using DVDs and power point: City Clerk, Jacqueline Bucholz; Finance & Administrative Services Director, Charlie Adams; City Treasurer, Kim Denton; Community Development Director, Ann Chaney; Building & Planning Manager, Jeff Bond; Recreation & Community Services Director, Penelope Leach.

The City Council thanked all the Department Heads for great presentations and noted that it was very educational. It was also noted that it is overwhelming that excluding Police & Fire, only 35 employees do such a wonderful job.

Council Member Lieber asked a question regarding Measure F and whether the funding had ended and was informed that all the bonds had been issued. It was noted that Measure F, 06 would still be continuing one.

Council Member Lieber commented that the City should contact Waste Management when the contract is up for negotiations to see about adding a section that Waste Management would collect old batteries.

Council Member Javandel suggested that action minutes be looked into for all Commissions/Committees and Council.

7. UNFINISHED BUSINESS

7-1. Revised Street Tree List

(File #820-20)

The Recreation & Community Services Director reported that in 2007, Council approved the implementation of the Tree Task Force with the purpose of evaluating and making recommendations for any changes to the City’s Street List. The list identifies, which trees are authorized for planting as street trees in the public right-of-way.

Richard Trout, Chair Parks & Recreation Commission, spoke to the Council and went over the proposed list and the reasons for changes that were made. It was noted that the proposed list gives people more choices on the selection of trees and tries to balance needs and considerations.

The City Attorney spoke about trees that have been planted in the past that uplift the sidewalks causing potential claims against the City. Mr. Trout responded that there are no Liquid Ambers on the list, which account for most of the problems throughout the City.

Council Member Lieber presented Resolution No. 2010-8 – A Resolution of the Albany City Council Adopting a Revised Street Tree List.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Lieber and seconded by Council Member Javandel to approve Resolution No. 2010-8.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Light Brown Apple Moth (LBAM) EIR

(File #560-70)

Council Member Lieber thanked the City Administrator, the City Clerk and Nan Wishner for their help last Friday regarding a conference call with the California Department of Food and Agriculture (CDFA) regarding the final EIR for the Light Brown Apple Moth (LBAM).

Council Member Lieber noted that it was stated during the conference call that Albany would not be sprayed at this time, although other areas were still on the list for aerial spraying.

Council Member Lieber stated that before Council is a letter for the Mayor to sign asking the CDFA to delay certification of the final EIR for the LBAM eradication program until the agency has held public hearings in all communities affected by the program. Council Member Lieber suggested that the darkened area be removed, as the City had received a written response to its comments.

The following people spoke: Caryl O’Keefe, Albany resident and a summary of the comments is as follows: Questioned why a staff report was not attached to the letter

and noted that the letter did not adequately explain the justification for asking for a delay. The City Administrator responded that the City did not believe the 10-day period was adequate for people to review the document.

The City Attorney stated that this is a prime example of how local agencies are losing control and the State should not be making the decisions they are and that this is very important for health and safety.

Council Member Lieber stated that the State is performing the project and certifying it own EIR report and although legal there is a conflict of interest.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Lieber to authority the Mayor to send a letter to the California Department of Food and Agriculture with the removal of the darkened area.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

Council Member Thomsen stated that she has Petitions to sign for gathering signatures on the Initiative to prohibit the State from raiding local funds and stated that people need to step up and sign the Petition so that it qualifies for the November, 2010 ballot.

Council Member Lieber noted that he is working with the Chief of Police and the City Administrator to address concerns regarding impounding vehicles of unlicensed and undocumented drivers. Council Member Lieber stated that it is a longer process that he originally thought.

Mayor Wile commented that she and staff are helping a homeless couple move into an apartment and are looking for household items.

10. ADJOURNMENT

10:00 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.

Joanne Wile
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk