

Approved: April 5, 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 15, 2010

6:45 p.m.

EXECUTIVE SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Executive Session to discuss the following pursuant to Government Code Section 54957.8

Agency Negotiator:	City Administrator and Glenn Berkheimer, IEDA
Employee Organization:	Albany Peace Officers' Association

7:30 p.m.

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and Peggy McQuaid 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; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Nicole Almaguer, Environmental Resource Associate; Ana Bernardes, Project Manager; Rich Cunningham, Public Works Manager; Marc McGinn, Fire Chief; Dustyn Wiggins, Fire Captain; Mike McQuiston, Police Chief; Charlie Adams, Finance Director; Judy Lieberman, Assistant City Administrator.

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

Mayor Wile reported that Council gave directions to staff regarding negotiations with the Police Officers' Association.

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, March 1, 2010.

Staff recommendation: Approve.

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$213,085.72; taxes, benefits & withholdings in the amount of \$273,949.31. Total payroll in the amount of \$487,035.03. Payroll period: 02/26/10.
b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$49,621.26; taxes, benefits & withholdings in the amount of \$55,622.62. Total payroll in the amount of \$105,243.88. Payroll period: 02/26/10.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims and demands against the City of Albany JPA in the amount of \$804.00. Period: 02/05/10.
b. Ratification of bills, claims and demands against the City of Albany in the amount of \$886,993.28. Period: 02/19/10 & \$45,286.68. Period: 03/01/10. \$571,257.86. Period: 03/05/10.

- 4-4.** Federal Stimulus II bill.
a. Resolution No. 2010-11 – A Resolution of the Albany City Council Authorizing the Filing of an Application for Federal Jobs for Main Street Act of 2010 (Stimulus II) Funding and Stating the Assurance to Complete the Project.
b. Resolution No. 2010-12 – A Resolution of the Albany City Council Authorizing the Filing of an Application for Federal Jobs for Main Street Act of 2010 Funding (Stimulus II) and Stating the Assurance to Complete the Project. (File #600-40)

Staff recommendation: Approve Resolution No. 2010-11 & 2010-12.

- 4-5. Consideration of Claim #AL619; Schock v.City of Albany.
(File #170-60)

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

- 4-6. Call for bids and award of contract for Lower Codornices Creek Restoration, Phase 3, Step 2.
(File #600-10)

Staff recommendation: Authorize the City Clerk to invite bids for the Lower Codornices Creek Restoration – Phase 3, Step 2, to complete the restoration of the creek between 6th & 8th Streets and the construction of a Class I bicycle/pedestrian trail along this segment.

Mayor Wile asked if anyone would like to remove an item from the Consent Calendar. The following item was removed for discussion: Item 4-1.

4-1. Minutes, March 1, 2010.

Council Member Lieber made the following correction: Page 4, 1st paragraph, changed draft EIR to Final EIR. Page 5, 3rd paragraph corrected language, as follows: stated that the State is performing the project and certifying its own EIR report and although legal there is a conflict of interest.

MOTION:

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

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/Public Forum/Announcements and the following people spoke: Brian Parsley, Albany resident; Nick Pilch, Chair Parks & Recreation Commission; Allan Maris, Albany resident; Jean Kwan, Albany resident.

A summary of the comments is as follows: Announced that the Community Foundation would be having a cleanup at Jewel’s Terrace Park, April 3rd with a potluck at 12 noon. Thanked the Community Foundation for doing an invaluable service to the City and the parks. Announced the Albany/Berkeley Mental Health Board had given funds to Albany High School. Spoke about battery recycling and suggested that when the new contract with Solid Waste of Alameda County is up for renewal that a clause be put in regarding battery recycling.

The City Council made the following announcements: 1) Sunday, March 28 from 4-6 at the Thousand Oaks Baptist Church on Colusa would be hosting a fundraising event to help keep WriterCoach Connection in Albany Schools. 2) The Mayor and Council Member Javandel and City staff attended a meeting with the Director of the US

Department of Agriculture regarding the final plans for the Buchanan path and announced that an alternative was accepted by the USDA. 3) Attended a fund raiser for the Albany Music Fund and noted that this group has a lot of community support.

6. PRESENTATION/PUBLIC HEARING

6-1. Presentation of Proclamations.

Council Member Atkinson presented a proclamation to Josephine Marini, celebrating her 97th birthday and Alice Minellone, celebrating her 95th birthday. Council Member Atkinson read the two proclamations.

7. UNFINISHED BUSINESS

7-1. City of Albany Climate Action Plan.

(File #405-45)

The Planning Manager reported that the Climate Action Plan is the result of a two-year community planning process, which is intended to identify measures to reduce greenhouse gas emissions 25% below 2004 levels by the year 2020.

The Sustainability Committee reviewed the document recommending approval along with some minor edits. The Planning & Zoning Commission also recommends approval but did acknowledge that there are areas of the document that could be further refined, but noted the importance of moving forward promptly.

The Planning Manager noted that two (2) letters were received after the Agenda packet was prepared from the State of California who requested that reference to wind turbine at the Albany Bulb be removed; and Clay Larson, Albany resident, who spoke to a number of issues including a suggestion that the environmental date be evaluated at the earliest time; the Notice of Intent had a typo regarding the submission date of comments; asked whether under CEQA if there is latitude for errors and questioned the specifics of the calculations in the report.

Council Member Lieber spoke to the height limitation guidelines for San Pablo Avenue and Solano Avenue noting that it appears the current guidelines are being abandoned. The Planning Manager stated that the Zoning Ordinance is not being changed; however, clearer language could be added to the final document.

Council Member Thomsen asked how much time the public had to respond regarding the wrong date in the document. The Planning Manager responded about a month.

The following people spoke: Clay Larson, Albany resident; Ed Fields, Albany resident; Nick Pilch, Albany Strollers & Rollers.

A summary of the comments is as follows: Asked for clarification of TLC.3, tab summary, reference to secondary units. Asked that staff have more discussion with the State regarding its opposition to wind turbines on the Bulb and that the City expresses the importance of this subject. Expressed disappointment that the Plan did not go far enough and was watered down and spoke to 1) amount of free parking in the City. 2) Support of a

7-1. City of Albany Climate Action Plan

ballot measure increasing the Utility Tax. 3) Mandatory energy upgrades and urged the City Council to move forward on this Plan.

Council Member Atkinson commended everyone that worked on this Plan and stated that the City needs to get the community to implement it.

Council Member Javandel stated that he realizes that this is a preliminary plan but it would be nice to get more reliable data. Council Member Javandel noted that the exclusion/inclusion of I-80 and San Pablo Avenue would have the ability to change the trend. Council Member Javandel commented that transportation is important, as it is a significant greenhouse gas source and that people should be encouraged to use more sustainable choices. Council Member Javandel stated that the wind turbine on the Bulb should be studied further.

Council Member Thomsen agreed that San Pablo Avenue should be included, as it is a major thoroughfare and agreed that the wind turbine should be taken out of the Plan.

Council Member Lieber presented Resolution No. 2010-09 – A Resolution of the Albany City Council Adopting the City of Albany Climate Action Plan and Resolution No. 2010-10 – A Resolution of the Albany City Council Adopting the Initial Study-Mitigated Negative Declaration for the City of Albany Climate Action Plan.

MOTION:

After reading the title of Resolution No. 2010-9 & 2010-10, it was moved by Council Member Lieber and seconded by Council Member Javandel to adopt both Resolutions.

It was also moved and seconded to 1) delete reference to wind turbine 2) to add a sentence about heights that still conform to current codes and 3) direct staff to return to Council with a draft implementation schedule and potential funding mechanisms.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Final Monthly Progress Report: March 2010 Civic Center

(File #200-20)

The Public Works Manager reported that the contract work is 100% complete and the total amount expended between Contractor and retention paid into escrow to date is \$9,077,063.

The central theme for March is close out. The Contractor is working to produce the specified warranty information, along with producing the record set of drawings to show the final actual jobsite conditions. The City has received the required extra materials for the interior finishes and can expect change order 109 in March. The intent of the change order would be to finalize project costs. All training of employees to operate the new equipment has been completed.

The Public Works Manager noted that Contractors are redoing a sewer line that runs into the Police Department.

No Council action required.

NEW BUSINESS**8-1. Six-Month Fiscal Year 2009-10 Financial Statements and Projections.**
(File #330-20)

The Finance Director reported that the adopted budget for Fiscal Year 2009-10 projected a net excess of revenues and transfers-in over expenditures and transfers-out of \$23,966. Staff's projection for the full Fiscal Year at the close of the six-months ending December 31, 2009 is for a net excess of revenues and transfers-in over expenditures and transfers-out of \$665,699. The favorable projection is due to savings in personnel costs. Revenues are currently projected at \$13,313,746, which is \$137,708 above the budget. Expenditures are currently projected at \$15,615,538, which is \$704,025 below the budget.

Council Member Thomsen reiterated the fact that the City has not filled some vacant positions and that Council and staff needs to keep on top of this and continue the same course.

Council Member Atkinson noted that the City is doing more with fewer people, which is very hard on staff and suggested that maybe the offices need to be closed one day a week so that staff can catch up on work.

Mayor Wile asked if the overtime budget was impacted due to the vacant positions. The Finance Director responded that the overtime budget has not been impacted and generally it would be the Fire Department that would cause the overtime budget to go up if there were vacancies.

The following people spoke: Nick Pilch, Albany resident; Allan Maris, Albany resident.

A summary of the comments is as follows: Commended staff for doing a lot more work with fewer people.

No Council action taken.

8-2. State of the City and Department Presentations
(File #330-20)

The City Administrator reported that at the last Council meeting the following Departments made a presentation: Beth Pollard, City Administrator; Jacqueline Bucholz, City Clerk; Charlie Adams, Finance Director; Kim Denton, City Treasurer; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Penelope Leach, Recreation & Community Services Director.

Tonight the following Departments will make a presentation: Mike McQuiston, Police Chief; Marc McGinn, Fire Chief; Rich Cunningham, Public Works Manager; Beth Pollard, Capital Projects; Judy Lieberman, Assistant City Administrator; Robert Zweben, City Attorney.

After the presentations were made the following people spoke: Allan Maris, Albany resident. A summary of the comments is as follows: Asked questions about State communications and the retention of citations; Emergency Response Training;

recycling; transitional housing; code enforcement – unreinforced masonry on Solano and San Pablo Avenue; Pierce Street Park.

8-2. State of the City and Department Presentations

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to extend the meeting for 30 minutes.

Motion carried and so ordered.

The City Administrator stated that the next steps would include applying the information contained in the presentations in development of the draft budget and work program. In May, Council would be asked to establish direction and priorities towards adoption of the budget and the associated goals and work plan.

No Council action taken.

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

9-1. Albany Civic Center Open House & Rededication, March 22, 2010, 6-7 p.m. Open House, 7-7:30 p.m. Rededication.

Council Member Atkinson announced the Little League Parade on March 27, 2010 and Earth Day.

Council Member Lieber announced that he continuing to meet with the Police Chief regarding undocumented persons and traffic stops.

Council Member Thomsen announced that she served on a panel of elected women entitled “If Women Ruled the World”.

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.

Joanne Wile
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk