

7-1. Charter Review Committee Reports.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: Council Member Atkinson

Motion carried and so ordered.

b. Roles of City Administrator and City Manager.

Chair Wallace reported that in December 2009, the City Council referred to the Charter Review Committee consideration of a Charter change from a City Administrator to a City Manager form of government. This came from a recommendation made by the Citygate Organization Study. The Committee was asked to investigate the typical roles of a City Administrator and City Manager and come up with a list of pros/cons.

Mayor Wile asked if anyone would like to speak and the following people spoke: Ed Fields, Albany resident; Caryl O'Keefe.

A summary of the comments is as follows: Asked which Department Heads the Manager would hire/fire and noted that the City Clerk is in the Charter and reports to the City Council. Believe that if it isn't broken then do not fix it. Maybe more discussion is needed to find out what is best for Albany.

A summary of the City Council comments is as follows: Not in favor of this change but would consider if the City had a directly elected Mayor. A question was asked if the Council could just change the title, without a Charter change. The City Attorney responded that he would not be comfortable doing that. A name only, without change of duties could be done through a ballot measure. Appreciate the work the Charter Review Committee did on this and agreed that the City could customize the position anyway they want and that would include the name change without change of duties. Believe that the process now in place is very collaborative and would not want to change how employees are hired/fired. However, would consider a name change only. Would like to see the position change from City Administrator to City Manager, as the Manager works day to day with the employees and understands the performance issues better.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to direct the City Attorney to come back at the next meeting with language changing the title of City Administrator to City Manager with no change in job functions.

ON THE QUESTION:

Council Member Lieber stated that he would not want to put this on the November election and Council Member Thomsen stated that would not want to have a special election for this.

AMENDED MOTION:

Moved by Council Member Lieber that the motion include that this to come back after the November election.

Council discussed that maybe the language should be in place before a new Council is elected and that at the next meeting Council could decide what happens next.

7-1. Charter Review Committee Reports.**AMENDMENT WITHDRAWN****VOTE ON MOTION:**

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

NOES: None

ABSENT: Council Member Atkinson

Motion carried and so ordered.

8. NEW BUSINESS**8-1. BART Construction Hours**

(File #100-30)

The Public Works Manager reported that the City has an ordinance that governs construction activity to ensure that the community environment is not significantly affected by contractors working on different-sized projects. The hours for construction work are 8a.m. – 6p.m and 10a.m. – 6p.m on Sundays or legal holidays.

BART is requesting that they be allowed to begin their weekday seismic retrofit construction work at 7 a.m. instead of 8 a.m.

Mollie MacArthur, BART, spoke to the Council noting that BART would like to start at 7a.m. and abide by the nighttime lower noise criteria, and as a concession would stop the work an hour earlier.

Mayor Wile asked if anyone would like to speak and the following spoke: Ray Anderson, Albany resident; Kristina Osborn, Albany resident; Unknown speaker.

A summary of the comments is as follows: Spoke in favor of the project but preferred the 8a.m. start time and noted that the noise vibrates loudly to the hills. Agreed with the noise issue and stated that a compromise would be to agree to the earlier start time but BART would have to agree to clean the tracks regularly to help with the noise. Believe that this is an ongoing problem and a condition should be made that BART lowers the trains speed through the residential area.

A summary of the City Council comments is as follows: Expressed concerns with the 7a.m. start time and would rather have a longer ending time. Dialogue with BART needs to continue regarding the noise from the tracks. Noted that a variance should not be given to BART, as the starting and ending time impacts a residential area.

MOTION:

Moved by Council Member Javandel, seconded by Council Member Thomsen to direct staff to retain existing noise start and end times regarding the BART project.

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

NOES: None

ABSENT: Council Member Atkinson

Motion carried and so ordered.

8-2. Increase in Sewer Service Charge

(File #1030-20)

The Public Works Manager reported that the Bay Area Clean Water Agencies (BACWA), which is a Joint Powers Authority comprised of wastewater treatment and