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**MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, FEBRUARY 22, 2011**

6:30 p.m.

Closed Session

Call to order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following: Public Employment pursuant to Government Code Section 54957.7 - Fire Chief.

7:30 p.m.

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date and led the Pledge of Allegiance to the Flag,

ROLL CALL

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

STAFF PRESENT

Beth Pollard, City Manager; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Manager; Ann Chaney, Community Development Director; Rich Cunningham, Public Works Manager; Ana Bernandes, Project Manager; Charlie Adams, Finance Director.

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

Mayor Javandel noted that the Council would be going back into closed session at the end of the Council meeting to continue discussions.

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 18 & February 7, 2011.

Staff recommendation: Approve

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$192,990.25; taxes, benefits & withholdings in the amount of \$152,305.25. Total payroll in the amount of \$345,295.50. Payroll period: 02/11/11.
b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$52,118.37; taxes, benefits & withholdings in the amount of \$39,503.57. Total payroll in the amount of \$91,621.94. Payroll period: 02/11/11.

Staff recommendation: Ratify.

4-3. Council Member Lieber appointing Gregory Perez – Social & Economic Justice Commission.

Staff recommendation: Information only.

4-4. Consideration of Claim #AL638, Hart vs. City of Albany.
(File #170-60)

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

4-5. Gift from Albany Rotary Club and Friends of Albany Library.
(File #150-70)

Staff & Parks & Recreation Commission recommendation: Accept the gift offer by the Albany Rotary Club and Friends of Albany Library to make improvements to the tiles and paint portion of the walls on the walkway leading to the entrance of the Library/Community Center.

4-6. Encroachment Permit – Temporary Closed Streets for Little League Parade.
(File #820-50)

Staff recommendation: Approve an encroachment permit and parade permit, at no fee, to allow closure of Solano Avenue, between Key Route Boulevard and

4. CONSENT CALENDAR

Jackson Street, and closure of Jackson Street, between Solano Avenue and Buchanan Street, from 9:00 a.m. to approximately 9:45 a.m. on Saturday, March 26, 2011 for the annual Little League Parade.

Mayor Javandel asked if anyone would like to remove an item for discussion and Council Member Thomsen removed Item 4-5.

4-5. Gift from Rotary Club and Friends of the Albany Library

Council Member Thomsen thanked the Rotary Club and the Friends of the Library for their generous donation to the City.

MOTION:

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to three (3) minutes. The Brown Act limits the Council’s ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

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

The following people spoke: Joan Larson, Albany resident; Thelma Rubin, Albany resident; Ray Anderson, Albany resident.

A summary of the comments is as follows: Announced that longtime Albany resident, Evan Flavell passed away and noted his accomplishments on the Planning & Zoning Commission, Traffic & Safety Commission and Charter Review Committee. Support was given to the Safeway project and the Whole Foods project noting these projects would be good for Albany and create jobs.

A summary of Council comments is as follows: Spoke about Evan Flavell and noted that he will be missed. It was also noted that the Mayor sent a letter to Evan thanking him for his service to the City. Announced 1) Transitional Albany would be showing a movie entitled Economics & Happiness on March 6 at 10:30 a.m. 2) Farmer’s Market on May 4th, 3-7 p.m. 3) Waste Management is sponsoring a campaign entitled “lose your lawn” with a seminar on April 9 on conserving water to be held at East Bay Nursery in Berkeley. 4) Thanked Rachel, Beverages & More and Katherine, Alliance Graphics for their contribution to the anti bullying campaign in Albany schools. 5) Noted that Tom Cooper, Albany resident, went to Haiti to help out. 6) The Senior Center is sponsoring a program entitled “Tiny Tickets” and would like people to donate their

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

BART tickets that have small amounts of money still available. 7) Attended a public hearing with East Bay Regional Parks District regarding preservation of the beach and restoration of the wetland and amenities at the Albany Waterfront. It was noted that there is a separate funding source for the Bay Trail.

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

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

**7-1. Notice of Completion – Lower Codornices Creek Project
(File #600-30)**

The Assistant City Manager reported that the Lower Codornices Creek Restoration, Phase 3, Step 2 to complete the restoration of the creek between 6th and 8th Streets and the construction of a Class I bicycle/pedestrian trail along this segment. The project was awarded to William P. Young Construction.

It was noted that the project did not involve any City general funds, as a \$2.1 million grant from the California Resources Agency River Parkways Grant Program for the 6th - 8th Street segment. The Project Manager gave a power point presentation on the project.

Council Member Thomsen presented Resolution No. 2011-8 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. C10-2, Lower Codornices Creek Restoration, Step 2, Phase 3.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Lieber to approve Resolution No. 2011-8.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7-2. Berkeley/Albany Mental Health Board
(File #110-30)**

The City Clerk reported that currently Council Member Wile is the City’s representative on the Berkeley/Albany Mental Health Board; however, due to a conflict she can no longer serve. The City Council then nominated Council Member Atkinson to fill the position but she also could not serve due to a conflict.

After the vacancy was noticed only one application was received from Ruth Cashmere.

7-2. Berkeley/Albany Mental Health Board

MOTION:

Council Member Wile nominated Ruth Cashmere, as the City’s representative on the Berkeley/Albany Mental Health Board, seconded by Council Member Atkinson.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. BART-Albany License Agreement – Ohlone Greenway
(File #600-40)

The Community Development Director reported that in 1970, BART and the City entered into a Landscaping Agreement. The Agreement addressed BART’s construction of landscaping and other improvements located beneath the aerial structure and that the City would maintain those improvements.

Although there is no expiration date, it appears it only applies to the area between the Albany/Berkeley City limits and Solano Avenue. For this reason, both BART and the City concur that a new License Agreement is needed, which would apply only to the BART-owned premises.

Council Member Atkinson asked whether should recuse herself, as she lives across from the BART tracks. The City Attorney stated that he believes it would be wise decision to recuse herself.

At this time, Council Member Atkinson left the Council Chamber. The Public Works Manager spoke to a question regarding the lighting at this area. It was noted that when the construction is completed there will be lighting, however, not LED but 100 watts, which are very efficient.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Thelma Rubin, Albany resident; Sue Schaffer, BART representative.

A summary of the comments is as follows: Asked if BART would allow paintings of big animals on the columns, which has been done in other areas. BART representative responded that this could not be done at this location, as a lot of work is performed on the columns and the paintings would be taken out.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to approve a License Agreement between the City of Albany and the San Francisco Bay Area Rapid Transit District (BART) regarding maintenance and use of the BART-owned portion of the Ohlone Greenway.

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

NOES: None

ABSENT: None

RECUSED: Council Member Atkinson

Motion carried and so ordered.

8-2. Financial Statements and Projections

(File #330-50)

The Finance Director reported that the 2010-11 budgets projected a net excess of revenues and transfers-in over expenditures and transfers-out of \$12,063 and the projection for the full fiscal year is for a net excess of revenues and transfers-in over expenditures and transfers-out of \$14,781. The favorable projection is attributed to savings in personnel costs. Revenues are projected at \$13,075,720, which is \$487,450 below the budget and expenditures are projected at \$16,299,237, which is \$490,168 below the budget. The "bottom line" increase to the General Fund, fund balance is \$14,781.

Mayor Javandel asked if anyone would like to speak and the following person spoke: Ann Foreman, Albany resident.

A summary of the comments is as follows: It was suggested that the Council set up a fiscal task force made up of Albany residents and spoke about employee salaries and benefits.

A summary of the Council comments is as follows: Expressed concern about the Police and Fire overtime budget. It was noted that the revenues from the racetrack are down and suggested that the City send a letter to the Legislatures regarding increasing the handle, which has not been done in 75 years. It was suggested that a dedicated traffic officer would be a good idea and maybe when the City is in a better fiscal position it would be possible to have this. It was noted that they would like some way to enforce traffic rules and suggested that the Traffic & Safety Commission look at the issue of a red light camera program.

The City Manager thanked the Department Heads and staff for coming up with creative ways of saving money and noted that she would like to have a study session with the Council and the public to discuss the budget.

No action taken on this item.

8-3. Opposition to Legislation regarding Abolishing Redevelopment Agencies

(File #660-40)

The City Manager reported that as part of the development of the State of California's fiscal year 2011-12 budget, the Governor has proposed abolishing local redevelopment agencies effective July 1, 2011. The City has a redevelopment agency and currently receives approximately \$500,000 a year in redevelopment tax increment revenue. Under the Governor's proposal, the City could lose close to \$400,000 per year in tax revenue.

It was noted that before Council is Resolution No. 2011-9, which opposes the abolishment of redevelopment agencies in California.

A summary of the comments from the Council is as follows: Believe that more information is needed before any action can be taken by the City Council and could not support Resolution No. 2011-9 at this time. Another point of view was expressed noting that support would be given to Resolution No. 2011-9.

8-3. Opposition to Legislation regarding Abolishing Redevelopment Agencies

The City Manager suggested that the Resolution come back to Council with language more specific to Albany, that monies come back to local control or spent on local school districts and support the idea of a ballot measure for revenue enhancements.

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

Council Member Lieber stated that he is the City's representative on ACAP, which is experiencing serious personnel issues at this time.

Mayor Javandel announced that the meeting would be adjourned in memory of Evan Flavell and a moment silence observed.

9:10 p.m. – Council went back into Closed Session to continue discussions on the position of Fire Chief.

10. ADJOURNMENT

9:35 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.

Farid Javandel
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk