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MINUTES OF THE ALBANY CITY COUNCIL

IN REGULAR SESSION

COMMUNITY CENTER, 1249 MARIN AVENUE

TUESDAY, FEBRUARY 17, 2009

6:30 p.m.

CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

The following people spoke: Robert Urhammer, Jackie Armstrong and Francesco Papalia, Albany residents. A summary of the comments is as follows: Do not divert funds from Pierce Street Park or Measure WW; acquisition of Pierce Street Park is a priority for funds; do not take property off the tax rolls.

Closed session to discuss labor negotiations pursuant to Government Code Section 54957.6

Agency Negotiator: Glenn Berkheimer, IEDA; Beth Pollard, City Administrator.
Employee Organization: SEIU, Local 1021

Closed session to discuss real property pursuant to Government Code Section 54956.8

Property: 842 Masonic Avenue, Albany
Negotiating Parties: City Administrator and Rebecca Nemeth, Berkeley Hills Realty, on behalf of the City; Rita Smith, Rita Smith Realty, on behalf of property owner.

Property: Proposed Maintenance Center, 540 Cleveland Avenue
Negotiating Parties: City Administrator, City Attorney & Public Works Manager, on behalf of the City; Western Forge & Flange, represented by James Clayton & Company, 2271 Lava Ridge Court, Roseville, CA 9566.

ADJOURN TO CLOSED SESSION

7:30 p.m.

Mayor Atkinson, who led the Pledge of Allegiance to the Flag, called the regular meeting of the Albany City Council to order on the above date.

ROLL CALL

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

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; Randy Leptien, Engineer; Rich Cunningham, Public Works Manager; Judy Lieberman, Assistant City Administrator; Marc McGinn, Fire Chief; Mike McQuiston, Police Chief; Charles Adams, Finance Director; Penelope Leach, Recreation Director.

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

The City Attorney reported the following action on Closed Session items: 1) Labor Negotiations: Gave instructions to the City Negotiator. 2) Real Property – 842 Masonic: Offer submitted and instructions given to Staff on how to proceed. 3) Real Property – 540 Cleveland: Offer presented, not accepted, instructions given to Staff.

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. Council Minutes, January 26 & February 2, 2009.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$198,117.84; taxes, benefits & withholdings in the amount of \$160,960.77. Total payroll in the amount of \$359,078.61. Payroll period: 01/30/09.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$58,499.94; taxes, benefits & withholdings in the amount of \$41,254.39. Total payroll in the amount of \$99,754.33. Payroll period: 01/30/09.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$1,771,769.94. Period: 01/28/09.
b. Ratification of bills, claims & demands against the City of Albany JPA in the amount of \$419.93. Period: 01/28/09.
c. Ratification of bills, claims & demands against the City of Albany in the amount of \$216,759.80. Period: 02/01/09.

Staff recommendation: Ratify.

- 4-4.** Mayor Atkinson appointing John Bailes to the Charter Review Committee.

Staff recommendation: Information only.

- 4-5.** Resolution No. 09-5 – A Resolution of the Albany City Council Authorizing the City of Albany Fire Department to Contract with Revenue Rescue for Collections of Fire Engine Response Fees.
(File #600-30)

Staff recommendation: Adopt Resolution No. 09-5.

- 4-6.** Resolution No. 09-6 – A Resolution of the Albany City Council Accepting the work of Contract #08-20, Site Improvements and CMU Wall @ USPS, Codornices Creek Restoration, Phase III.
(File #600-30)

Staff recommendation: Adopt Resolution No. 09-6.

- 4-1.** Minutes, 02/02/09.

Mayor Lieber corrected the minutes, as follows: Item 8-1, page 9 add the following “and important story even larger than a single person.

- 7-2.** Cumulative Voting.

Mayor Atkinson asked for clarification on the motion made noting that she did not believe the vote included cumulative voting but to refer to CRC the issue of at-large appointments.

Council Member Javandel responded that the motion is correct and that he moved to have the Charter Review Committee look at the overall question, which includes cumulative voting.

Council Member Wile explained that there were a number of issues to look at: two appointment by each Council Members; no change; make appointments on merit; having no at-large appointments; cumulative voting.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to approve the Consent Calendar with the correction to the minutes.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

The following people spoke: Kevin Brown; Eldon Wolfe, Albany resident; Caryl O'Keefe, Friends of the Albany Library; Ann Gade, Albany resident; Rich Cunningham, Public Works Manager.

A summary of the comments is as follows: Spoke in favor of the City providing a skateboard park. Spoke in favor of Terrace Park being renamed to Jewel's Terrace Park. Announced that the Friends of the Albany Library held its book sale and collected \$2,687. The next book sale is on March 21, 2009. Noted that in front of her home is a bench that she dedicated to Jewel named the Peace and Problem Solving bench and suggested the City install a Peace and Problem Solving bench on an Albany historical walk. Confirmed that the City would receive \$239,000 from the Economic Stimulus Package for transportation and that the City had a project mapped out – paving project Solano west to Jackson and Madison north of Solano.

6. PRESENTATION/PUBLIC HEARING

6-1. State of the City

(File #330-20)

The Finance Director stated that due to the current economic recession and the California budget/fiscal crisis a comprehensive report of the financial status of the City has been prepared.

The report submitted to Council provides a financial analysis of the principal segments of the City of Albany's financial structure. The report describes how the City has been impacted by economic problems, highlights potential problem area and includes a projection of revenues and expenditures for fiscal year 2008-09 and 2009-10.

The Finance Director reported that the City of Albany is currently in a sound financial condition. The balance sheet is as follows: assets: \$5,818,338, liabilities: \$1,039,636; Equities: \$4,778,702. The City has a reserve of \$3,209,486. There are no unrecorded liabilities.

The revenues that are declining are as follows: Property tax, transfer tax, sales tax, Vehicle License Fees and earnings on investments. The revenues that are increasing are

6-1. State of the City

as follows: Racetrack related funds. Increasing expenses are as follows: Salaries/benefits, PERS contributions, medical rates, and facility fuel costs. The General Fund forecast for fiscal year 2008-09 has a net excess of \$33,256, however the 2009-10 has a net deficit of \$656,612. The Finance Director stated that by July 1, 2009 staff would come back to Council with a balanced budget.

The Finance Director reported that the Police & Fire Pension Fund has declined due to investments, as follows: The fund was up to \$14.8 million and currently is \$9.6 million with an unfunded liability.

The CIP budget currently shows that Measure F is still on track and Measure R is still being expended. The 2006 Measure F for streets and storm drains is still on track. The Park Bond has been suspended by the State, which affects the Ocean View project but Measure R funds could be used. The State suspended the River Parkways funds, which affects the Lower Codornices Creek project.

The following people spoke: Francesco Papalia, Albany resident; Clay Larson, Albany resident; Caryl O'Keefe, Albany resident; Jim Cleveland, Albany resident.

A summary of the comments is as follows: Questioned purchasing property during this recession and asked whether these funds are included in the budget. Asked if the City had the statistics from the County regarding property taxes being lowered. Asked the status of the Burrowing Owl JPA loan agreement. Noted it is reassuring to have a strong asset sheet but would encourage the Council to request that the Finance Director report back on potential reductions, excluding staff, a list of revenues that does not include an increase in taxes, additional information on the impact of the State's budget, and what the Albany Unified School District is doing regarding revenue enhancements. Expressed concern that the country is going through something which has not been seen before. Asked a question on the decline of property taxes and noted that the loss to the Pension Fund in the amount of 40% is not unusual during this troubled economic time.

The City Administrator responded to the question about the Burrowing Owl JPA loan agreement noting that the City of Berkeley has agreed that Albany would not lose any interest revenue.

The Finance Director responded to the question about information from the County on property taxes being lowered and noted that information is not available at this time.

Council Member Wile stated that in the spirit of saving money maybe the Council should look at not raising its salary, which was approved by the voters in the November, 2008 election and is effective January 1, 2010.

No Council action required.

7. UNFINISHED BUSINESS**7-1. Monthly Progress Report: Civic Center Project**
(File #200-20)

The Public Works Manager reported that the change order rate is still around

7-1. Monthly Progress Report: Civic Center Project

3-1/2% of the project cost with approximately 50% of the work done. The Public Works Manager noted that during this project the Administration offices were being looked at to make it more efficient and also the Council Chamber area is being looked at to modernize it.

The Public Works Manager stated that next month he would be expand the progress report to include photos of what the project looks like at this time and the costs for the change to the Administration Building.

The following people spoke: Thelma Rubin, Albany resident, submitted an article regarding “looping” in the Council Chamber, which enables a hearing impaired person with the corresponding hearing aid to hear without additional devices. The Public Works Manager asked that this information be given to the IT Technical staff.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to approve a contract with KC/Future Planning, Inc. for Information Technology Consulting for Civic Center Project in an amount not to exceed \$52,700.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Renaming Terrace Park

(File #920-60)

The Recreation & Community Services Director reported that on the direction of the City Council neighbors surrounding Terrace Park (within 300 feet of the park) were notified about the possibility of renaming Terrace Park.

Council Member Javandel stated that all the communications he received have been positive and in favor of the name change.

Council Member Wile commented agreed and noted that some people are interested in having a plaque put in the park in honor of Jewel. Council Member Wile noted that the cost for a new sign is approximately \$4,000 and suggested that there be guidelines that the City contribute \$1,000 and rest come from donations. Council Member Wile noted that she did contact the Albany Community Foundation about this subject.

The following people spoke: Caryle O’Keefe, Albany resident. A summary of the comments is as follows: Expressed concern about the \$4,000 price tag and agrees that donations should be collected and suggested the City hold off on a whole new sign until it has to be replaced.

Council Member Thomsen presented Resolution No. 09-4 – A Resolution of the Albany City Council Renaming Terrace Park to “Jewel’s Terrace Park” in honor of former Council Member Jewel Okawachi.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Javandel to adopt Resolution No. 09-4.

7-2. Renaming Terrace Park**ON THE QUESTION:**

Council Member Lieber stated that he agrees that former Council Member Okawachi has a very compelling story to tell about Albany with stories to be remembered and told; however, does not believe a proper process has taken place and noted several areas of concern: Ethical issues with a political person only having been out of office for two months and noted California law regarding this issue. Also commented that it is not inconceivable that former Council Member Okawachi would run for office again. Concerned about the \$4,000 cost for replacing the sign noting that the City should not have to bear that cost. Believe that there are many other Albany residents who are just as deserving and, as an example, mentioned Ruth Meniketti.

Council Member Lieber stated that he could be more supportive if a process had been followed and an Ordinance in place.

VOTE ON THE MOTION:

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

NOES: None

ABSTAIN: Council Member Lieber

Motion carried and so ordered.

7-3. Terrace Park Policy and Facility Modifications

(File #920-60)

The Recreation and Community Services Director reported that since the improvements to Terrace Park in 2007, residents have attended a number of Parks & Recreation Commission meetings expressing concern regarding the increase in the number of picnic tables, the increase in the number of BBQs, the large party size of some of the picnic rentals and the lack of privacy for the neighbors living closest to the fence on the west side.

Council Member Lieber noted that Terrace Park is a park for the entire community and is opposed to making it a park for just the neighbors. Council Member Lieber stated that he is opposed to limiting the size to 40 people.

Council Member Wile agreed that she did not want to limit the size at this time and would prefer to wait six (6) months until the end of the summer. Council Member Wile agreed that BBQs do pollute the air and would agree to remove the BBQs and leave the tables.

Council Member Thomsen suggested this be sent back to the Parks & Recreation Commission to re-evaluate and come back at the end of the summer. The Recreation and Community Services Director responded that this issue has been looked at for the past 14 months, including review after the last summer season.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to keep all the picnic tables, and to remove all four BBQ posts and to look at limiting the party size at another time.

7-3. Terrace Park Policy and Facility Modifications

AMENDED MOTION:

Moved by Council Member Thomsen to take out three BBQ posts and add a BBQ to the remaining post.

Maker and second agreed to the amendment.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Expansion of the Waterfront Visioning Process

(File #490-20)

The Planning Manager reported that in 2008 the City authorized Fern Tiger Associates (FTA) to begin work on the Waterfront Visioning Process, and as part of that process FTA will be undertaking extensive public outreach to engage the community on land use and related issues at the Waterfront.

FTA anticipates that some of the neighborhood discussions would blend over into a broad-spectrum of City planning issues. The cost of replicating the series of small neighborhood meetings for other land use planning initiatives, particularly the 2010 General Plan update effort, may be prohibitive. Staff has discussed with FTA the feasibility of expanding broader discussion incorporating information about the General Plan into the publication and expanding the facilitated sessions to include discussion about land use and other General Plan related issues.

The following people spoke: Caryl O’Keefe, Alban resident. A summary of the comments is as follows: Noted that she likes the concept of expanding the scope. The Planning Manager responded that there would be additional costs to the budget, however, believes there would be efficiencies and cost savings.

Fern Tiger stated that at this time it is anticipated that a survey would not need to be completed, thereby saving money.

Council Member Lieber expressed concern that he did not want to change the Waterfront process by adding this process; however, does believe it to be a good idea but believes that funding for the this process should be dedicated money.

Council Member Javandel noted that there would be a \$40,000 savings in the Waterfront Visioning Process by not doing the survey and believes the action being considered is a fiscally responsible thing to do.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to approve the modification of the Waterfront Visioning Process to include citywide values and visions to support the upcoming General Plan.

ON THE QUESTION:

Council Member Lieber asked that the motion be amended to reflect the following: That no more than \$45,000 to be used from the Waterfront Visioning Process; however, if the money is needed for the Waterfront Visioning Process that the Council

8-1. Expansion of the Waterfront Visioning Process

would reconvene and discuss where the \$45,000 would come from to be allocated back to the Waterfront Visioning Process.

AMENDED MOTION:

Moved by Council Member Lieber to include in the motion that no more than \$45,000 is used. No second

Motion failed.

Council Member Thomsen stated that the original motion stands

VOTE ON THE MOTION:

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

NOES: None ABSENT: None

Motion carried and so ordered.

8-2. Park and Ride Lot at Buchanan Street

(File #600-50)

The Community Development Director reported that in 2008 Council Member Javandel posed the idea of a possible park and ride lot on Buchanan Street by the freeway, which is owned by Caltrans. The thought being that such a lot could help reduce congestion on I-80 and the Bay Bridge and provide an alternative location to current bus and carpool commuters who park on Albany streets during weekdays.

Staff and staff from AC Transit, Caltrans and Alameda County Congestion Management Authority (ACCMA) visited the site, which resulted in a favorable response from AC Transit. ACCMA staff agreed to draft a concept layout plan and authorized their consultant to prepare plan alternatives for the north and south sides of Buchanan Street.

Council Member Lieber expressed concern about its impact on the existing bicycle path in that area and asked if the path could be tied into the Bay Trail and also asked about a flyover at the end of Solano.

John Twitchell, AC Transit, spoke to the Council stated that if the north side plan was approved there would be no way to avoid a conflict with the bicycle path.

The following people spoke: Francesco Papalia, Albany resident. A summary of the comments is as follows: Asked the status of the property negotiations with Caltrans regarding a City Maintenance Center. The Community Development Director responded that the City has been in negotiations with Caltrans for nine (9) years and the City is currently looking elsewhere for a Maintenance Center.

Council Member Javandel stated that his preference would be for the north side because of better accessibility to the pedestrian/bicycle path.

Council Member Thomsen expressed concern with the north side in that the City just spent funds to create the pedestrian/bicycle path, therefore, would prefer the south side. Also expressed concern that AC Transit not drop the "L" bus if this lot is constructed.

Mayor Atkinson agreed with the concerns about the north side and stated that she would also like a skateboard park in that area.

8-2. Park and Ride Lot at Buchanan Street

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel that City staff be directed to communicate the following to AC Transit, Alameda County Congestion Management Agency and Caltrans: That the City generally supports the concept of a park and ride lot next to Buchanan Street under I-80/580 freeway ramps, provided these agencies work with City staff regarding design concerns, and that revised concept plans be returned to the Council for further input.

AMENDED MOTION:

Moved by Mayor Atkinson, seconded by Council Member Wile to include in the motion that the question be raised to look at the possibility of a skateboard park in the area.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

AMENDED MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel that also included in the motion that the other agencies work with the City staff for design and review of financial concerns.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

Mayor Atkinson announced that she attended the Mayors' Conference and heard a presentation on electric cars and having sites throughout the County where batteries would be stored so that the driver would have access to batteries.

Mayor Atkinson announced the next meeting of the Ad Hoc Economic Working Group is February 24, 2009 at 979 San Pablo Avenue.

10. ADJOURNMENT

9:55 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

10. ADJOURNMENT

Minutes submitted by Jacqueline L. Bucholz, CMC, City Clerk.

MARGE ATKINSON
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK