

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
COMMUNITY CENTER, 1249 MARIN AVENUE
MONDAY, MARCH 2, 2009

CLOSED SESSION

6:30 p.m.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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.

Closed session to discuss labor negotiations pursuant to Government Code Section 54957.6 – Cancelled.

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.

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

Mayor Atkinson reported that labor negotiations had been cancelled from the agenda. Council gave instructions to staff regarding real property.

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 17, 2009.

Staff recommendation: Approve.

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$186,276.26; taxes, benefits & withholdings in the amount of \$229,894.25. Total payroll in the amount of \$416,170.51. Payroll period: 02/13/09.
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$58,364.35; taxes, benefits & withholdings in the amount of \$41,885.20. Total payroll in the amount of \$100,249.55. Payroll period: 02/13/09.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims and demands against the City of Albany in the amount of \$708,857.75. Period: 02/06/09.
- b. Ratification of bills, claims and demands against the City of Albany JPA in the amount of \$33.79. Period: 02/06/09.
(File #300-4)

Staff recommendation: Ratify.

- 4-4.** Pension payments for the month of February, 2009, in the amount of \$112,553.57.

Staff recommendation: Ratify.

- 4-5.** Council Appointments: Council Member Wile appointing Anne Bingham Goess to the Arts Committee. Council Member Lieber appointing Judy Abel to the Arts Committee.

4. CONSENT CALENDAR

- 4-6.** Request to temporarily close portions of Solano Avenue and Jackson Street on March 28, 2009 for the Albany 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 Jackson Street, and closure of Jackson Street, between Solano Avenue and Buchanan Street, from 9:00 a.m. to approximately 9:45 p.m. on Saturday, March 28, 2009, for the annual Albany Little League Parade.

- 4-7.** City organizational and staffing analysis contract.
(File #600-30, 100-100)

Staff recommendation: Authorize the City Administrator to execute a contract with Citygate Associates to conduct an organization and staffing review in an amount not to exceed \$33,495.

- 4-8.** Review of composition and purpose of City commissions and Committees
(File #110-20)

Arts Committee recommendation: Authorize one of the two appointees from the Albany Unified School District Board of Trustees to be a youth member; Social & Economic Justice Commission and Sustainability Committee recommendation: Retain the separation of the two bodies for the present time. Waterfront Committee recommendation: Rename the Waterfront Committee to be the Waterfront Commission. Staff recommendation: Authorize the change in the Arts Committee, revisit the merging of the Social & Economic Justice Commission and Sustainability Committee in Fall, 2010, and direct staff to return with recommended guidelines on definitions and distinctions between commissions, committees, and other advisory and working groups.

- 4-9.** 2009-2010 Community Development Block Grant (CDBG) City County Agreement.
(File #600-40)

Staff recommendation: That the City Council approve the use of FY 2009-10 Community Development Block Grant (CDBG) funds, projected to be in the amount of \$87,257 (\$80,657 jurisdictional improvements + \$6,600 general administration), for the following projects: Meals on Wheels program - \$15,000; Alameda County HMIS (Homeless Management Information System) - \$1,473; 2-1-1 Program - \$5,000;

4. CONSENT CALENDAR

Senior Center expansion (property acquisition) - \$65,784 or Curb Ramps in the event the property is not acquired.

- 4-10.** Fee waiver for encroachment permit for sidewalk on 1300 block of Solano Avenue for a March 21, 2009 St. Patrick's Day event.
(File #820-50)

Staff recommendation: Approve.

Mayor Atkinson asked if anyone would like to remove an item from the Consent Calendar and the City Administrator asked that item 4-7 be removed for discussion.

4-7. Organizational and Staffing Analysis

The City Administrator reported that the City received several proposals and after interviewing the top firms Citygate Associates is the firm that is being recommended.

Jay Corey, Project Manager for Citygate Associates, stated that you never know what the study will find and noted that a lot of great ideas come from staff and combined with Citygate's experience recommendations would be made to help immediately and in the long term.

Council Member Wile and Thomsen both expressed concern about the cost of the hourly rates in the contract. Mr. Corey responded that he would be happy to negotiate with the City Administrator but noted that Citygate had taken a substantial adjustment already.

The following people spoke: Bob Outis, Albany resident; Ed Fields, Albany resident; Brian Parsley, Albany resident.

A summary of the comments is as follows: Noted that if the right person is hired the rate is ok. Expressed concern about the cost of the study and believes that the City Managers were capable of figuring out what the City needs. Also noted that he believes the City operates very well and does not see any extra fat. Expressed concern about an "organizational study" noting that this usually means cutting City staff. Noted that the money being used for the study could be used towards someone's salary.

The City Administrator stated that it is always a good idea to take a fresh look at the organization and believe that the investment should be made at this time.

Council Member Wile indicated that she would be voting no on this proposal because of the amount of money.

Council Member Thomsen stated that she does support the study but cannot support the cost of the study.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Javandel to authorize the City Administrator to execute a contract with Citygate Associates to conduct an organization and staffing review in an amount not to exceed \$33,495.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

there is going to be a celebration on Solano Avenue entitled Shamrock Shenanigans, which will include sidewalk sales. 2) EBMUD is offering on their website 1.5 gallon toilets with a rebate of \$150 and they will recycle the old toilet.

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

6. PRESENTATION/PUBLIC HEARING**7. UNFINISHED BUSINESS****7-1. Pierce Street Rehabilitation & Bicycle/Pedestrian Path**
(File #600-30, 820-20)

Council Member Thomsen recused herself due to a conflict and left the Council Chamber.

The Community Development Director reported that in April, 2007, Council conditionally approved the Pierce Street Rehabilitation & Bicycle/Pedestrian Path and the purpose of the contract is to develop design solutions.

In 2007, the Traffic & Safety Commission recommended and conditionally approved a plan for Pierce Street Pavement Rehabilitation and Path project that incorporated a bicycle/pedestrian path. This plan showed a loss of one (1) on-street parking space and currently there are 114 spaces. Staff met with Pierce Street residents to discuss this plan.

The Community Development Director stated that Phase 1 of the contract would provide for preparation of 20% design plans for the following: 1) New pavement on Pierce Street (from northerly City limits to south end of 555 Pierce and from Calhoun to Buchanan Street. 2) Widened sidewalk next to sound wall for a separated bicycle/pedestrian path. 3) Four (4) raised crosswalks across Pierce Street. 4) Two (2) bus turnouts with provisions for two (2) bus shelters. 5) Narrower travel lanes: reduce southbound lane from 20 to 12 feet and northbound lane from 14 to 12 feet. 6) Bicycle/pedestrian path from the south end of 555 Pierce Street through Caltrans property to the intersection of Washington and Cleveland Avenues and possibly cross to the west side of Cleveland Avenue to connect with the Buchanan Street over crossing.

Issues to be addressed during project design would include: minimize loss of on street parking, provide on-street moving van parking, enhance visibility when exiting the southernmost garage entrance at 555 Pierce Street and accommodate trash and mail pick up. Phase 2 of the contract, if authorized to proceed, would consist of completion of 100% construction plans and documents for all the above except #6.

7-1. Pierce Street Rehabilitation & Bicycle/Pedestrian Path

The Community Development Director reported that the City applied for an ACTIA grant in the amount of \$570,000 and should know more in May regarding the grant status.

Council Member Lieber asked a question regarding the bicycle/pedestrian path on how it relates to the path at the USDA and whether they could connect. The Community Development Director responded that when staff meets with the consultant they would look at how the path would connect to the over crossing.

The following people spoke: Nick Pilch, Strollers & Rollers; Sol Strand, Albany resident; Jack Rosano, Albany resident; Susan Schwartz, Friends of Five Creeks.

A summary of the comments is as follows: Support this project and noted that it is important to bring the path down to the bay. Definitely should focus on carbon emissions and spoke about easy access at the park and ride lot. Support having the path repaved. Noted that it is very important to have non-motors between the Ohlone Greenway and the Bay Trail and safety on Pierce Street.

Council Member Lieber stated that he supports this project and the Class I bicycle path and the City needs to continue working on preserving parking and noted that the park and ride lot would alleviate the neighborhood from parked cars.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to authorize the City Administrator to enter into a two-phase design contract with Kimley-Horn and Associates for the Pierce Street Pavement Rehabilitation and Path project in the amount of \$198,580 (Phase 1 is \$41,542 and Phase 2 is \$157,038).

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

NOES: None

ABSENT: None

RECUSED: Council Member Thomsen

Motion carried and so ordered.

Council Member Thomsen returned to the Council Chamber and took her seat at the podium.

7-2. At-Large Appointments to the Charter Review Committee

(File #110-30)

The City Administrator reported that the Charter Review Committee has two at-large appointments and the City received two (2) applications for these positions: Bart Grossman and Gabriel Baty.

Mayor Atkinson invited both applicants to speak to the Council: Bart Grossman stated that he has been a member of the Charter Review Committee for a couple of years and has also served on the Parks and Recreation Commission. Mr. Grossman stated that he likes to work through issues and spoke about the Committee's role and issues currently under discussion.

Gabriel Baty stated that he recently moved back to Albany and really wants to become involved in the community and noted his background with the Democratic Party.

7-2. At-Large Appointments to the Charter Review Committee

Council Member Wile stated that it is great to have two (2) people wanting to be involved and wanting to serve the City.

Council Member Thomsen stated that she really appreciates Bart Grossman and his thoughtful thinking on issues.

The following person spoke: Michael Wallace, Chair Charter Review Committee and a summary of his comments is as follows: Noted that he would like to see more people apply for vacant positions but also likes efficiency and urged the Council to appoint both applicants.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Javandel to appoint Bart Grossman and Gabriel Baty, as the at-large appointees to the Charter Review Committee.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Acquisition of Property at 842 Masonic Avenue

(File #670-20)

The Planning Manager reported that in January, 2009 the property at 842 Masonic, adjacent to the Senior Center, was listed for sale. The home is a three bedroom, one bath home built in 1930 with 1,365 square feet, as well as a one-car garage.

The City Council met in executive session on February 2, 2009 and provided negotiating parameters to the City Administrator regarding exploration of the acquisition, as a site for expansion of the Senior Center. This led to the seller accepting a contingent offer from the City to purchase the property, subject to inspections and various City approvals including financing and land use approval.

The existing Senior Center is heavily used and additional program could be provided if space was available. The acquisition of the adjacent property would allow for expansion of the facility with modest disruption of the existing facility. Some of the uses, if the expansion is approved, include: New activity room/class room; parking for the new van; new entry area; new kitchen; new restrooms; upgrade mechanical equipment spaces/storage; new volunteer and staff work stations.

Council Member Lieber stated that at this time the Council is only asking that the Parks and Recreation and Planning & Zoning Commissions become involved in the process.

The following people spoke: Julia Lee, President, Friends of the Albany Seniors; Floyd (no last name); Gay Nichols; Brian Parsley, Albany resident; Sol Strand, Albany resident; Alan, Yoga Instructor; Allan Maris, Albany resident; Bob Outis, Albany resident. Al (no last name); Mr. Lee, Albany resident.

A summary of the comments is as follows: All speakers spoke in support of the acquisition.

8-1. Acquisition of Property at 842 Masonic Avenue**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Wile to authorize staff to 1) ask the Parks & Recreation Commission to advise on acquisition of the property and expansion of the Senior Center. 2) Submit an application for a conditional use permit to the Planning & Zoning Commission.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. Update on Federal Stimulus Package, the State Budget and Election Opportunities for Local Revenue Measures

(File #330-20)

The City Administrator reported that in February, 2009 President Obama signed into law the American Recovery and Reinvestment Act (ARRA) of 2009. The \$828 billion economic stimulus plan includes funding for a variety of capital improvements and investments in program operations and some of the funding would be available to cities. Although most of the allocations relevant to cities appear to be available on a competitive basis rather than formula based.

The programs of particular interest to the City of Albany include: Community Development Block Grant funds; Homelessness Prevention; Highway Infrastructure; Competitive Surface Transportation Program; Community Oriented Policing Services (COPS); Byrne Memorial Justice Assistance Grants; Assistance to Firefighters Grants; Wildland Fire Management (pending eligibility); Emergency food and shelter; Clean Water and Drinking Water Grants & Loans; Brownfields; Energy Efficiency and Conservation Block Grants; Broadband Technology Opportunities Program.

The City Administrator noted that the Highway Infrastructure program is already underway and would receive \$239,000 for a “shovel-ready” surface transportation project. As reported previously, the City’s paving plans for Solano Avenue between San Pablo Avenue and Jackson Street, and Madison Street from Solano Avenue to Washington Avenue are in the best position for these funds. The City is meeting next week with Caltrans, which is the administrator of California’s share of the funds for its initial review of this project.

The State budget, which includes a combination of \$14.9 billion in spending reductions, \$12.5 billion in revenue increases and other measures called “economic stimulus” and “making government more efficient”. This plan relies on voter approval of taxes and reform measures. A special election has been called by the State for May 19, 2009 to approve tax measures and reform measures. If these measures are not approved, other State budget revisions would be needed.

The County Elections Office has notified local agencies that they can consolidate with either the May 19 or possibly the June 2 election; however, for either election date all material, including arguments must be submitted to the County by March 6th. At this time, the City has no plans for a special election. The cost for a special election would

8-2. Update on Federal Stimulus Package, the State Budget and Election Opportunities for Local Revenue Measures

range from \$5.00 - \$7.00 per registered voter (i.e. approximately \$50,000 to \$70,000 in Albany).

The State budget at this time does not directly affect Albany, but it does affect the Albany Unified School District.

Mayor Atkinson noted that the City has been very successful in obtaining grants to help with various projects.

No Council action required.

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

Mayor Lieber re-announced the following: 1) Art Attack, March 6th, participating stores on Solano Avenue would be open until 9 p.m. 2) The emergency disaster preparedness workshop at Albany High School on March 14th. 3) The benefit at Askenaz on March 6, 8-2 a.m. to benefit Head Waters Forest Coalition.

Council Member Javandel announced that he attended the Rotary event last Saturday and thanked everyone who participated in the silent auction for the Albany Education Foundation.

10. ADJOURNMENT

9:10 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.

MARGE ATKINSON
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK