

Approved Minutes passed
by City Council at Meeting 4/20/09

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, APRIL 6, 2009

CLOSED SESSION

7:00 p.m.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

Closed session to discuss litigation pursuant to Government Code Section 549569

City of Albany v. Alten Construction

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; Charles Adams, Finance Director; Penelope Leach, Recreation & Community Services Director.

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

The City Attorney reported that no final decision had been reached regarding the litigation that was discussed in Closed Session.

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 16, 2009.

Staff recommendation: Approve.

4-2. a. Ratification of City of Albany net payroll in the amount of \$199,532.11; taxes, benefits & withholdings in the amount of \$152,418.93. Total payroll in the amount of \$351,951.04. Period: 03/13/09.

b. Ratification of City of Albany Municipal Services JPA net payroll in the amount of \$58,442.14; taxes, benefits & withholdings in the amount of \$41,807.40. Total payroll in the amount of \$100,249.54. Period: 03/13/09.

c. Ratification of City of Albany net payroll in the amount of \$191,366.01; taxes, benefits & withholdings in the amount of \$239,014.86. Total payroll in the amount of \$430,380.87. Payroll period: 03/27/09.

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$58,552.06; taxes, benefits & withholdings in the amount of \$60,170.40. Total payroll in the amount of \$118,722.46. Payroll period: 03/27/09.

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of \$239,133.28. Period: 03/30/09.

b. Ratification of bills, claims and demands against the City of Albany JPA in the amount of \$220. Period: 03/30/09.

Staff recommendation: Ratify.

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

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-5.** Ordinances for Second Reading.
- a. Ordinance No. 09-04 – An Ordinance of the Albany City Council Adopting Chapter 13 Public Works Projects, Contracts and Procedures.
 - b. Ordinance No. 09-05 – An Ordinance of the Albany City Council Amending Section 5-13, Massage Establishments, Massage Technicians and Massage Services of the Albany Municipal Code.
 - c. Ordinance No. 09-06 – An Ordinance of the Albany City Council Adopting Section 2.35 Service of Notices of the Albany Municipal Code. (File #100-95)

Staff recommendation: Adopt Ordinances Nos. 09-04, 05 & 06 for Second Reading – Pass-to-Print, waiving reading of entire Ordinances.

- 4-6.** Resolution No. 09-8 – A Resolution of the Albany City Council Honoring the 60th Anniversary of the United Nations Declaration of the Rights of the Child. (File #585-25)

Social & Economic Justice Commission recommendation: Adopt Resolution No. 09-8.

- 4-7.** Resolution No. 09-11 – A Resolution of the Albany City Supporting AB 622 (Swanson) The Clean Air for Children, Seniors and Working Families Act. (File #

Council Member Lieber's recommendations: Adopt Resolution No. 09-11.

- 4-8.** Resolution No. 09-14 – A Resolution of the Albany City Council Authorizing the Chief of Police to Apply for COPS Grant Funds from the American Reinvestment and Recovery Act of 2009 to Employ a Community Youth and Family Resource Officer. (File #345-30)

Staff recommendation: Adopt Resolution No. 09-14.

- 4-9.** Consider Claim #AL592; CSAA v. City of Albany. (File #170-60)

Staff recommendation: Reject Claim #AL592 and authorize the City Clerk to send out rejection notice.

4. CONSENT CALENDAR

- 4-10.** Green, Red, White and Blue Celebration, July 4, 2009.
(File #950-40)

Staff recommendation: 1) Approve the street closure on Portland Avenue between Pomona and Carmel on Saturday, July 4, from 6 a.m. to 6 p.m. 2) Encourage a variety of community groups to be involved in the event and to go to www.albanyca.org information on participating.

- 4-11.** City Co-Sponsorship of Workshop for Small Businesses.
(File #470-40)

Staff recommendation: Approve City co-sponsorship, with Chamber of Commerce and the Solano Avenue Association, of a workshop on marketing and on-line sales tips for small businesses on Wednesday, May 6, 2009, 6 p.m. – 8 p.m. at the Albany Senior Center at no-charge.

Mayor Atkinson asked if anyone would like to discuss any item on Consent Calendar.

MOTION:

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council Member Wile noted that the meeting would be adjourned in memory of the four Oakland Police Officers who died in the line of duty: Sgt. Mark Dunagan, Officer John Hege, Sgt. Ervin Romans and Sgt. Daniel Sakai. Council Member Wile spoke about each Officer and their length of service to the Oakland Police Department.

A moment of silence was observed in memory of the Officers.

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.

The following people spoke: Joan Larson, Albany resident; Caryl O'Keefe, Albany resident; Brian Parsley, Albany resident.

A summary of the comments is as follows: Announced a reception for the display of the Centennial Quilt on Monday, April 20, 6:30 – 7:30 p.m., Community Center. Reported that the Friends of the Library held a book sale and collected \$2,300 and announced that another book sale would be held on May 16 & 17. Thanked Ronnie Davis, Marsha Skinner and Joan Larson for their work on the book sale. Spoke about the

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

acquisition and restoration of the Albany bulb and noted that the bulb is the “jewel of the Eastshore State Park” and that Albany citizens should be reimbursed for the land.

Council Member Wile commented on an article in the Berkeley Daily Planet regarding the Solano Avenue “Art Attack” noting the first event was successful. The event is the first Friday evening of each month and would encourage people to participate.

Council Member Wile spoke about the 2-1-1 Social Service programs that are available to Albany residents who are experiencing difficulties and urged people to use this resource.

6. PRESENTATION

6-1. Library Proclamation

Mayor Atkinson read a proclamation recognizing Library Week in the City of Albany and presented it to the Chair of the Library Board.

6-2. Golden Gate Fields Bankruptcy Filing

The City Administrator reported that the owner of Golden Gate Fields, Magna Entertainment Corporation (MEC) filed for Chapter 11 bankruptcy protection on March 5, 2009. Racing operations are currently continuing at Golden Gate Fields in Albany while MEC assets are in transition. MEC has proposed a restructuring plan in which its primary creditor and shareholder Magna International Developments, Inc (MID) would acquire the racetrack.

However, it is possible that the tracks and other assets could be individually or collectively purchased by another entity not affiliated with MID or MEC. The sale of the MEC assets to MID or to another entity is currently expected to occur in July.

The City Administrator stated that any potential buyer of the property should be aware of the City’s Measure C and Voices to Vision project.

Mr. Robert Hartman, General Manager of Golden Gate Fields, explained Chapter 11 bankruptcy noting this provides debtors a way to restructure its debt. A loan has been approved so that operations at Golden Gate Fields can continue. There is a Court approved plan that must be followed and the Court is the controlling body that will set the rules. It was noted that Golden Gate Fields is included in a “stalking horse bid” and Santa Anita is not included.

Mr. Hartman stated that by the end of August Golden Gate Fields would probably have a new owner and would continue operations through the entire process.

Council Member Wile thanked Mr. Hartman for coming to the meeting and explaining the proceedings.

Mayor Atkinson asked whether Measure C and the Voices to Vision project would influence a buyer. Mr. Hartman responded yes and the City definitely should notify all prospective buyers of the various conditions of that property.

6-2. Golden Gate Fields Bankruptcy Filing

The following person spoke: Mr. Edward Moore, Berkeley and a summary of the comments is as follows: Spoke about the various motions that have been filed and that no actual dollar value has been put on a particular asset and noted that a bidder could very well bid on a separate asset.

7. UNFINISHED BUSINESS

7-1. Resolution No. 09-10 – Loan Agreement (File #600-30)

The Finance Director reported that previously the Council approved the issuance of a bond to finance the Nielson Curtis storm drain improvements; however the bond underwriters discovered that a privately placed negotiated loan would provide the City the same terms as a public issue of bonds but at a lower cost to the City. The interest rate on the loan would be 4.6% for a term of 12 years with options to prepay the loan beginning August, 2014.

As approved for the previously approved bonds, parcel tax revenue from the storm drain and street paving parcel tax would be pledged for repayment of the loan. Semi-annual payments of interest and principal would be \$195,692.

Council Member Lieber presented Resolution No. 09-10 – A Resolution of the Albany City Council, State of California, Authorizing the Execution of a Loan Agreement with Capital One Bank and Delivery of a Note for the Purpose of Financing the Cost of Acquiring and Constructing Storm Drain Improvement Projects and Related Matters and Amending Resolution No. 09-07.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Lieber to approve Resolution No. 09-10.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Resolution No. 09-13 – Acquisition of 842 Masonic (File #670-20)

The Planning Manager reported that in previous action the City Council explored the possible acquisition of the home for sale at 842 Masonic to be used for expansion to the Albany Senior Center.

The Parks & Recreation Commission discussed the possible acquisition and approved a motion supporting the expansion of the Senior Center, but expressed serious concerns about the financial implications and impacts on other Parks and Recreation Master Plan priorities.

8-1. Resolution No. 09-13 – Acquisition of 842 Masonic

The Planning & Zoning Commission unanimously expressed support for the expansion.

The Planning Manager noted that this acquisition would be considered Categorically Exempt from the requirements of the California Environmental Act (CEQA). An appraisal was conducted and valued the property at \$425,000, which is the purchase price.

Council Member Lieber stated that he is very excited about this acquisition and is also aware of the tough economic times right now but believes it is worth spending the money and noted that it is a fraction of the cost for purchase of the Veteran’s Building.

Mayor Atkinson stated that she also supports this acquisition noting that there is definitely a need in Albany to expand the Senior Center.

Council Member Lieber presented Resolution No. 09-13 – A Resolution of the Albany City Council Authorizing Purchase of Property at 842 Masonic Avenue for Purposes of Future Expansion of the Albany Senior Center.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Lieber and seconded by Council Member Javandel to approve Resolution No. 09-13.

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

Council Member Lieber announced the following: 1) Attended the Alameda Labor Council awards dinner and noted that Assembly Member Swanson received Legislature of the Year.

Mayor Atkinson announced the following: 1) Attended a transit oriented dinner with updates on what is happening. 2) Attended the Little League Opening Day and rode in the Parade in an electric green car and was at the pancake breakfast before the parade. 3) Economic Working Group had its last meeting and a report would be submitted to the Council. 4) On-going recycling program for old batteries and a bin for food at the Community Center. 5) Several Citywide yard sales would be upcoming and urged people to donate items for the benefit of the Albany Prevention Council and the Albany YMCA.

Council Member Javandel announced the following: 1) Attended the Little League Opening Day and Parade. 2) Encouraged everyone to participate the upcoming Bike to Work day noting that there are team challenges and urged the Council to get a team together.

10. ADJOURMENT

8:35 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting in memory of the four (4) Oakland Police Officers who died in the line of duty.


10. ADJOURMENT

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



MARGE ATKINSON
MAYOR

ATTEST:



JACQUELINE L. BUCHOLZ, CMC
CITY CLERK