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MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1249 MARIN AVENUE
MONDAY, APRIL 20, 2009

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; Ann Chaney, Community Development Director; Robert Zweben, City Attorney; Richard Cunningham, Public Works Manager; Barry Whittaker, Public Works Project Manager; Jeff Bond, Planning and Building Manager; Amanda Bennett, Planning Clerk

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

4. CONSENT CALENDAR

4-1. Minutes, April 6, 2009.

Staff recommendation: Approve.

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$198,323.28; taxes, benefits & withholdings in the amount of \$151,892.96. Total payroll in the amount of \$350,216.24 Payroll period: 04/10/09.
b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$58,989.30; taxes, benefits & withholdings in the amount of \$41,223.14. Total payroll in the amount of \$100,212.44. Payroll period: 04/10/09.

Staff recommendation: Ratify.

- 4-3.** a. Council appointments to the Campaign Finance Reform Task Force: Allan Maris, Council Member Thomsen; Margie Marks, Mayor Atkinson; Caryl O’Keefe, Council Member Javandel; Karen Leeburg, Council Member Wile.
- b. Council Member Lieber appointment to Traffic & Safety Commission: Noadiah Shanti West.

Staff recommendation: Information only.

- 4-4.** Resolution No. 09-15 – A Resolution of the Albany City Council Authorizing City Staff to Implement a Request for Proposal Process to Hire a Consultant for the Albany Arts Committee Public Art Master Plan.

Staff recommendation: Approve Resolution No. 09-15.

- 4-5.** Resolution No. 09-16 – A Resolution of the Albany City Council Authorizing the City Administrator to Execute Agreement to Share Taxpayer Information with the Franchise Tax Board.

Staff recommendation: Approve Resolution No. 09-16.

- 4-6.** Resolution No. 09-17 – A Resolution of the Albany City Council Authorizing an Adjustment of Parking Citation Funds by \$5.00 to Accommodate a \$4.50 Increase in the State Courthouse Construction Fee Surcharge Placed on Parking Citations.

Staff recommendation: Approve Resolution No. 09-17.

- 4-7.** Resolution No. 09-18 – A Resolution of the Albany City Council Authorizing the Expenditure of COPS Grant Funds to Purchase the Equipment and Service Necessary to Install Mobile Data Computer (MDC) Terminals in Police Patrol Fleet Vehicles in an Amount Not to Exceed \$100,000.00.

Staff recommendation: Approve Resolution No. 09-18.

- 4-8.** Pension Plan Side Funds Payment.

Staff recommendation: Authorize payment of \$1.7 million from the Pension Property Tax Fund to pay off the CalPERS Safety Police and Fire Pension Plans Side Funds.

- 4-9.** Contract with the County of Alameda for Additional Library Services, Fiscal Year 2009-10.

Staff recommendation: Approve

4-10. Albany Pre-School Seismic Improvements – Invite Bids and Award Contract No. 09-03.

Staff recommendation: Authorize the City Administrator to invite bids and award a contract for an amount not to exceed \$55,000 to the lowest responsible bidder for the Albany Pre-School Seismic Improvements Project P29.

4-11. Support of SB 810 – The California Universal Health Care Act.

Council Member Lieber’s recommendation: Authorize the Mayor to sign a letter of support.

4-12. Contributions to City, Non-Profit, Local Public Agencies, Individuals and other Organizations for Albany Projects or Programs.

Staff recommendation: That no allocation be made for grants to non-profit agencies in the current 2008-09 fiscal year.

Mayor Lieber asked whether any Council Members or anyone else wished to pull any items from the consent calendar. Bob Outis, Albany resident, pulled item **4-11**.

Mr. Outis opposed trying to address the health care problem in this way. Caryl O’Keefe, Albany resident, stated that SB 810 would perpetuate the current fractured and inadequate system. Ann Richardson, Albany resident, thought the spirit of SB 810 was good.

Council Member Lieber spoke in favor of SB 810. He said the system should not be run by for-profit insurance companies. Council Member Thomsen supported universal health care and felt it was more appropriate to communicate with legislators on an individual basis rather than through the Council. Council Member Javandel noted the legislative analyst’s office released some troubling findings regarding SB 810. He would rather support the concept than the specific bill.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to approve item **4-11**.

AYES: Council Members Lieber, Wile, & Mayor Atkinson

NOES: Council Member Javandel

ABSENT: None

ABSTENTIONS: Council Member Thomsen

Motion carried and so ordered.

MOTION:

Moved by Council Member Lieber, seconded by Mayor Atkinson to approve the remainder of the Consent Calendar.

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

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

Ms. O'Keefe, Treasurer of the Albany Community Foundation, announced they would hold a yard sale in conjunction with the Alcohol and Drug Abuse Prevention Council to fund stipends for mental health interns for the high school on Saturday, May 2, 2009. Donations would be collected at 1604 Marin Avenue. Mayor Atkinson stated the stipends had been a godsend.

Brian Parsley, Albany resident, had heard at the Waterfront meeting that more than 35 acres of the Albany Bulb were going to be given to Eastshore State Park for one dollar. He felt either the State Park should pay more or Albany should keep the land.

Alan Cain, Solano Avenue Merchants Association, announced the "Marketing Through Tough Times" mixer cosponsored by the Chamber of Commerce at the Albany Senior Center at 6:00 p.m. on May 6, 2009.

Council Member Wile noted that Golden Gate Fields had done some charitable giving to local organizations and programs. She thanked Council Member Javandel for talking with City of Berkeley Mayor Tom Bates about a clean energy program. A meeting will follow with representatives from many Bay Area cities to learn about Marin County's program.

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

6. UNFINISHED BUSINESS

6-1. Declare Official Bike to Work Day and Community Member recognition.

- a. Resolution No. 09-19 – A Resolution of the Albany City Council Declaring May 14, 2009, as the Official Bike to Work Day in the City of Albany.
- b. Recognize community members for their outstanding efforts in advancing bicycling in the City.

Staff recommendation: 1) Approve Resolution No. 09-19 and present Certificates of Appreciation.

City Administrator Pollard delivered the staff report. Mayor Atkinson presented certificates of appreciation to Nick Pilch, Amy Smolenz, and Preston Jordan. Susan Moffat was not present to receive her certificate. Council Member Javandel expressed appreciation for the input the City receives from the Strollers and Rollers organization. He also noted the Team Bike Challenge would commence on May 16, 2009.

MOTION:

Moved by Council Member Thomsen and seconded by Council Member Wile to approve Resolution No. 09-19.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7. UNFINISHED BUSINESS

7-1. Monthly Progress Report: Civic Center.

Staff recommendation: Receive monthly progress report.

Public Works Manager Cunningham and Project Manager Whittaker reported on the current status of the construction project. Mayor Atkinson asked whether there would be an outlet for electric cars to plug in. Council Member Javandel noted there would be costs and liability for any organization involved in providing that to the public. Council Member Wile noted eight local cities had signed a compact regarding getting electric cars. She suggested referring the question to the Sustainability Committee. City Administrator Pollard stated that could be done.

Clay Larson, Albany resident, stated the Cable Committee had brought up the audiovisual needs back at the time of the move to the Community Center, so he was not sure why it had not been addressed. He asked for the status of the ¾" cable to run from the control room to the chamber. He noted the cable system was an integral part of the renovation, and the costs should be looked at in that context. Mayor Atkinson asked Mr. Larson to be part of calculating the costs. Mr. Parsley asked whether the new fire truck would fit in the firehouse. Council Member Lieber stated the Fire Chief had assured him it would.

7-2. Economic Development Working Group Final Report.

Staff recommendation: Approve the recommendations from the Working Group to encourage an economically healthy business community.

City Administrator Pollard delivered the staff report. Mayor Atkinson thanked the Working Group participants. Council Member Wile stated they were hardworking and got a lot done.

Mr. Outis expressed disbelief that the Working Group's work would have any impact and deplored the waste of staff time and expenditure on consultant's fees. Ms. O'Keefe reported that at the Arts Committee meeting there was concern about the banners and that the Council should get more input from the Committee. Mr. Parsley stated the Social and Economic Justice Committee felt the motto issue had been hijacked away from them. Jewel Okawachi, Albany resident, wanted to know what Darlene had been referring to when she stated there were ways to draw complementary small businesses.

Council Member Javandel noted there had been many humorous suggestions for the motto, and that they hoped for a better suggestion in future. He asked why the Arts Committee would review banners to be posted longer than 12 months only. Council Member Lieber thanked the Working Group. Council Member Thomsen noted a need for economic development with significant revenue. Mayor Atkinson wanted more motto choices. She noted these were recommendations only.

MOTION:

Moved by Council Member Lieber and seconded by Council Member Wile to approve the recommendations from the Working Group.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Community Center Tower Repair.

Staff recommendation: Refer design review of repair options for the Community Center/Library tower to the Planning & Zoning Commission for a recommendation to the City Council.

Community Development Director Chaney and Project Manager Whittaker delivered the staff report. Ronnie Davis, Albany Librarian, wanted to know what other options might be available. She wanted to keep the integrity of the building. Mr. Parsley wanted to know the purpose of the tower. It seemed to him to be a money pit.

Council Member Thomsen felt it appropriate to refer this item to the Planning and Zoning Commission.

MOTION:

Moved by Council Member Thomsen and seconded by Council Member Lieber to refer design review of repair options for the Community Center/Library tower to the Planning and Zoning Commission.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. Residential Design Review Guidelines.

Planning & Zoning Commission recommendation: Approve the Design Review Guidelines for Residential Additions and New Homes.

Planning Manager Bond delivered the staff report. Council Member Thomsen liked the way the document was set up. She recommended adding the number of feet for noticing to the first paragraph on page six. She stated she was not certain stairs could be “gracious” (page nine). She also noted her name was misspelled. Council Member Wile appreciated the excellent, cost-conscious work. City Administrator Pollard noted the photo examples of desired features.

Ed Fields, Albany resident, thought the fire sprinkler requirements might need upgrading. Planning Manager Bond stated staff would double-check with the Fire Marshal. Ruth Ganong, Albany resident, did not want massive excavation, like that for the 701-705 Hillside Avenue project, ever to be allowed again. Planning Manager Bond noted the Planning and Zoning Commission was working on Zoning Ordinance changes and corrections, including changing the depth of basement space that would be included in FAR, which should prevent that sort of excavation.

MOTION:

Moved by Council Member Thomsen and seconded by Council Member Wile to approve the Design Review Guidelines for Residential Additions and New Homes.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-3. General Plan Annual Report and Preliminary Discussion of 2010 General Plan Update.

Planning & Zoning Commission recommendation: Approve the General Plan Annual Report.

Planning Manager Bond delivered the staff report. Council Member Wile appreciated the outline. She liked the housing element approach. She wondered whether staff could do some of the work to cut costs. Planning Manager Bond agreed they would do all they could in house, but the General Plan was quite technical and long.

Mayor Atkinson asked where the other \$200,000 would come from. City Administrator Pollard stated it would be from the 2010-2011 budget or later. Council Member Thomsen found the information presented in a useful way.

MOTION:

Moved by Council Member Lieber and seconded by Council Member Thomsen to approve the General Plan Annual Report.

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 and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

Mayor Atkinson reported that the Earth Day activities had been fun.

10. ADJOURNMENT

9:26 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; prepared by Amanda Bennett.

ROBERT S. LIEBER
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK