

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,**  
**CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE**  
**MONDAY, JANUARY 19, 2010**

---

**7:30 p.m.**

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and asked Troop 14 to led the Pledge of Allegiance to the Flag,

**ROLL CALL**

Present: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile  
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; Gina Javier, Accountant.

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

**4. PROCLAMATIONS**

**4-1.** Proclamation honoring Edward "Pete" Dowling on his 90<sup>th</sup> birthday.

Council Member Atkinson stated that Mr. Dowling was unable to attend the meeting and that she would read the Proclamation in hopes that Mr. Dowling would see this on the Cable Channel. Council Member Atkinson noted that she would hand deliver the Proclamation to Mr. Dowling.

**4-2.** Proclamation – Blood Donor Month.

The City Clerk announced that no representative from the American Cross was present and that she would mail the Proclamation.

Mayor Wile announced that staff would put information on the screen for people to contribute to the people of Haiti.

Mayor Wile stated that she would like to acknowledge the first meeting back to the remodeled City Hall and thanked the City Administrator for overseeing the project and bringing the project within its budget. Mayor Wile presented the City Administrator with plant. The City Administrator thanked the Mayor and noted that it was a team effort and that she would be acknowledging the work of staff and consultants later in the agenda.

## **5. PRESENTATION**

### **5-1 Acknowledgement of community contributions of Albany's Eagle Scouts:**

- Daniel Goodman
- Graham Guletz
- Peter Hruska
- Ben Pennell
- Henry Treadway
- Chris Gallegos
- Scott Ford
- Robert Fusaro
- Steven Erdmann
- Parwaiz Razban
- Aaron Roberts

Mr. Peter Schakow, District Chairman & Unit Commissioner, noted that American Legion Post 292 has supported Troop 14.

Don Ford, Scout Master, Troop 14, stated Troop 14 has had 11 Eagle Scouts within the last 1 ½ years, which is a major accomplishment.

Mayor Wile and members of the City Council presented the individual certificates to the Eagle Scouts and thanked them for their commitment and the work they performed in order to achieve Eagle Scout.

### **5-2. June 30, 2009 Financial Statements and Reports of the Independent Auditors.**

The Finance Director reported that the City hired the Certified Public Accounting Firm of Caporicci & Larson to serve as independent auditors of the City's financial reports.

The scope of the work performed by the auditors encompassed examinations of the City's Comprehensive Annual Finance Report (CAFR), the Albany Police and Fire Relief Pension Fund, ACTIA Measure B Funds, Transportation Development Act Report, Federal single audit and the City's Appropriation Limit.

Ahmed Badawi, Caporicci & Larson, gave a power point presentation reporting that the auditor reports to the City Council any material findings regarding internal accounting controls, management's compliance with generally accepted accounting principles, management's judgment in applying accounting estimates, disagreements

**5-2. June 30, 2009 Financial Statements and Reports of the Independent Auditors.**

between the auditors and management and difficulties performing the audit. Mr. Badawi reported no finding in the current or previous examinations.

Allan Maris, Albany resident, questioned the survey of other agencies' reserve funds, and Mr. Badawi explained that it takes time to gather all the data and it is always a year behind.

Council Member Lieber thanked staff and Council for the work and the hard decisions that had to be made.

**6. 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.)

**6-1. Minutes, December 7, 2009 & January 4, 2010.**

Staff recommendation:

- 6-2.**
- a. Ratification of City of Albany net payroll in the amount of \$231,750.98; taxes, benefits & withholdings in the amount of \$183,252.78. Total payroll in the amount of \$415,003.76. Payroll period: 12/04/09.
  - b. Ratification of City of Albany net payroll in the amount of \$191,785.40; taxes, benefits & withholdings in the amount of \$244,161.44. Total payroll in the amount of \$435,946.84. Payroll period: 12/18/09
  - c. Ratification of City of Albany net payroll in the amount of \$215,812.58; taxes, benefits & withholdings in the amount of \$151,254.22. Total payroll in the amount of \$367,066.80.
  - d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$54,516.43; taxes, benefits & withholdings in the amount of \$39,745.49. Total payroll in the amount of \$94,261.92. Payroll period: 12/04/09.
  - e. Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,082.36; taxes, benefits & withholdings in the amount of \$58,792.61. Total payroll in the amount of \$114,874.97. Payroll period: 12/18/09.
  - f. Ratification of Albany Municipal Services JPA net payroll in the amount of \$57,972.28; taxes, benefits & withholdings in the amount of \$35,715.93. Payroll period: 12/31/09.

Staff recommendation: Ratify.

**6. CONSENT CALENDAR**

- 6-3.** a. Ratification of bills, claims and demands against the City of Albany. 1) \$556,583.84. Period: 11/13/09. 2) \$534,512.49. Period: 11/25/09. 3) \$42,122.96. Period: 12/01/09. 4) \$608,437.31. Period: 12/11/09. 5) \$895,159.30. Period: 12/30/09. 6) \$24,821.31. Period: 01/01/10.  
b. Ratification of bills, claims and demands against the City of Albany Joint Powers Authority in the amount of \$1,014.34. Period: 12/11/09.

Staff recommendation: Ratify.

- 6-4.** Consideration of Claim #AL615; Edwards v. City of Albany.  
(File #170-60)

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

- 6-5.** Sale of temporary Apparatus Bay Structure at 1051 Monroe.  
(File #200-30)

Staff recommendation: Approve sale of apparatus bay metal building and storage containers to University of California for \$50,000.

- 6-7.** Police & Fire Relief and Pension Fund actuarial valuation, as of June 30, 2009, and the City of Albany employer contribution to the fund for fiscal year 2009-10.  
(File #310-50)

Staff recommendation: 1) Accept the Buck Consultants report on the actuarial valuation of the Police and Fire Relief and Pension Fund, as of June 30, 2009. 2) Approve a contribution to the Fund of \$300,000 for the fiscal year 2009-10.

- 6-8.** Ratification of Police & Fire pension payments in the amount of \$116,251.36 for the month of December, 2009.

Staff recommendation: Ratify.

- 6-9.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of September 30, 2009, as required by Section 53646 of the California Government Code.  
(File #300-10)

Staff recommendation: Note and file – information only.

- 6-10.** Buchanan Bicycle/Pedestrian Path – Environmental Negative Declaration.  
(File #820-20)

**6. CONSENT CALENDAR**

Staff recommendation: Approve the environmental documents for the Buchanan Bicycle and Pedestrian Project that include: 1) Final Mitigated Negative Declaration (Exhibit A). 2) Mitigation Monitoring Program (Exhibit B)

Mayor Wile asked if anyone would like to remove any items for discussion and the following items were removed: 6-1 & 6-5 & 6-9.

**6-1. Minutes, December 7, 2009.**

Council Member Lieber asked for the following language to be added to page 6, Item 8-1 – Voices to Vision: *If and when Golden Gate Fields leaves, the current zoning would remain unchanged until someone comes forward with a plan. The Vision Plan is not a process to change the zoning but to have a vision that is acceptable to the community.*

**6-5. Sale of Temporary Apparatus Bay Structure at 1051 Monroe**

Council Member Atkinson stated that she appreciates the cooperation between the City and the School District and thanked the City Administrator, Assistant City Administrator, School Superintendent and the staff at UC. Council Member Wile noted that a good price was received and saved the City money.

**6-9. Treasury Report**

Council Member Atkinson congratulated the City for being in the black and asked the Finance Director for a quick update.

The Finance Director reported that staff would be coming to Council regarding the budget. The City currently is in good shape and coming into the new year with adequate reserves noting that the sales tax and transfer tax came in higher than expected. He stated that the City is not immune to the current economy and noted that the recovery is not as robust as staff would like to see and urged the Council to remain cautious and careful.

**MOTION:**

Moved by Council Member Thomsen, seconded by Council Member Atkinson to approve the Consent Calendar, as submitted with the amendment to the minutes of December 7, 2009.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**7. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**

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

## 6. CONSENT CALENDAR

The following people spoke: Clay Larson, Albany resident; Ray Anderson, Albany resident; Jason Sampietro, Albany resident; Peggy McQuaid, Albany resident; Brian Parsley, Albany resident; Allan Maris, Albany resident.

A summary of the comment is as follows: Commented on the new video system in the newly remodeled Council Chamber and noted that Jeremy Allen put this project together and saved the City a lot of money. Spoke about the newly remodeled Council Chamber and asked two questions: 1) Where is the City flag and 2) Where is the "In God We Trust" that used to be on the wall behind the Council and asked that this item be put on a future agenda for public discussion. Requested that Council put on a future agenda the issue of an Open Alcohol Beverage Container Ordinance and noted that there is still a parking problem in his Madison neighborhood due to the Club Mallard (Council Member Lieber noted that if this comes before Council he would have to recuse himself due to the location being close to his house). Announced that the Historical Society would be meeting January 30, 10-11:20 a.m. at the Community Center to elect a new Board and to discuss other historical sites in the City to have a plaque installed. Reminded the Mayor to ask the public if they would like to speak on Consent Calendar items that are removed for discussion. Noted that the City received an "A" in the newspaper for its smoking ordinance and thanked the Council, Commissions/Committees and staff for the work put into this ordinance.

Mayor Wile thanked Mr. Parsley for the reminder about the public being able to speak on removed Consent Calendar items. At this time, Mayor Wile asked if anyone from the public would like to speak on items removed from the Consent Calendar. No one came forward.

Council Member Thomsen acknowledged the work performed by Jeremy Allen and the hard work he has done and also acknowledged the work of Tony Wolcott.

Council Member Atkinson spoke about the environment and noted that she now carries a very small bag that changes into a full size shopping bag, which eliminates the need for plastic bags.

Mayor Wile stated that the Economic Development group would start meeting again and the next meeting is scheduled for February. Mayor Wile stated that there has been criticism that the Times newspaper does not have much coverage about Albany and noted that Alan Lopez was back on the Albany beat.

Mayor Wile noted the meetings she attended: 1) Albany Unified School District with Council Member Atkinson to discuss counseling services that have been lost due to budget cuts. 2) StopWaste.Org has been working on a joint effort by all 14 cities that belong to StopWaste.Org to have a uniform ordinance on the books regarding plastic bags. 3) Noted that the City does not have to have an individual worker for the California First program. 4) Met with the Chair of the Arts Committee to discuss street art.

The City Administrator reported on the following items: 1) Staff and Council Member Thomsen met with PG&E about the health concerns associated with the Smart Meter Program and asked PG&E to provide the City with an Environmental Report. PG&E did not have this available so the City is going to officially go on record requesting this information. 2) The Community Center tower is going to be repaired, as the City received money from the lawsuit that it filed. 3) Thanked everyone that

participated in the Community Service event held on Monday, January 18<sup>th</sup>. 4) The City applied for a federal stimulus grant to repave Solano Avenue.

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

## **8. UNFINISHED BUSINESS**

### **8-1. Climate Action Plan**

(File #404-45)

The Planning Manager reported that the City held a work session on the Climate Action Plan (CAP) on January 4, 2010 to obtain community input. The first three priorities that emerged from the discussions included: Building energy efficiency; solar power and Building Code upgrades for energy efficiency.

The majority of report outs from the discussions agreed that the City should be a leader in implementing greenhouse gas reduction policies, with the notion that if it can't be done in Albany, it may not be able to be done at all. There was also general discussion regarding how the CAP measures would be funded, acknowledging that they carry a significant cost.

The following people spoke: Clay Larson, Albany resident; Allan Maris, Albany resident; Ed Fields, Albany resident; Brian Parsley, Albany resident; Preston Jordan, Albany resident.

A summary of the comments is as follows: Indicated that the numbers are very soft and not much value should be placed on them and noted that missing is a statement of uncertainty. Spoke about upstream and downstream issues that should be considered and hoped that the CAP comes into place and is successful. Urged the Sustainability Committee and the Planning & Zoning Commission to come up with a strong document that helps the City reach its goals. Noted that the Council should not get too hung up on precise numbers and one top priority should be focused on and that the community be engaged. Expressed concern that some residents did not receive a survey and urged the Council not to include mandatory issues in the document; noted that the City would get more out of people if they were educated about the issue. Spoke about parking permits, emissions regarding water and the fact that the CAP does not show how to get to the goals and noted that the CAP should consider the use of emission offsets.

Council Member Atkinson noted that many people in Albany are already being proactive about the environment and agreed that education is very important.

Council Member Javandel stated that the focus should be on items that deal with quality of life issues and that more opportunities are presented that would help close the gap before 2020.

Council Member Lieber stated that there are definitely some difficult choices ahead. The City needs to look at water and include East Bay Regional Municipal Utility District in the process. Council Member Lieber commented that he would like to encourage the Committee/Commission to look at the hard choices and see if there is a way to do a little bit better so that the City reaches its goal.

**8-1. Climate Action Plan**

Council Member Thomsen stated that the draft CAP is a good first step and agreed that an important part of the plan is to educate people and believes the document should be looked at on a regular basis.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Javandel to 1) direct the Sustainability Committee to complete the review of the draft Climate Action Plan and work with the consultant to finalize the plan. 2) Direct the Sustainability Committee and the Planning & Zoning Commission to review the final Climate Action Plan and recommend adoption by the City Council in March, 2010. 3) Take into account comments made tonight.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-2. Monthly Progress Report: January 2010 Civic Center Retrofit and Renovation Project**

(File #200-20)

The Public Works Manager reported that the work is approximately 99% complete and the total amount expended between Contractor and retention paid into escrow up to date is \$8,312,637. The Public Works Manager introduced Gale Rossi, Project Manager.

The police and fire are expected to move back to the Civic Center on February 17, 2010. The Public Works Manager thanked Sausel, Contractor and other subcontractors that worked on this project.

The City Administrator stated that it is good being back home and acknowledged everyone that worked on this project to make it such a success. It was noted that the Council Chamber has upgraded video cameras and lighting. The City Administrator asked the Council for direction on what they would like to have on the wall behind the dais. The City Administrator stated that one thought would be to have the City Seal on the wall.

Council Member Lieber stated that he agrees that the words "In God We Trust" not be put back, as it is a controversial subject.

The following people spoke: Allan Maris, Albany resident; Caryl O'Keefe, Albany resident; Preston Jordan, Albany resident.

A summary of the comments is as follows: Acknowledged the work of Barry Whittacker and the hard work he put into this project and noted that the City needs a new Seal. Congratulated the Council on the newly remodeled Chamber and suggested either the City Seal or the City motto be put on the wall. It was noted that the work done in the lobby is very beneficial to the public when they come to City Hall to do business. It was suggested that the Seal be changed to reflect the waterfront and the creeks in the City.

Council Member Lieber stated that the cost for putting the Seal on the wall is fairly low.





Council Member Atkinson noted, as she is now retired and has more time she is planning on attending the meetings of the Youth Task Force on a regular basis.

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

Mayor Wile stated that the weather forecast is predicting serious rain coming to the Bay Area and that people should prepare for flooding.

**11. ADJOURNMENT**

9:45 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

---

Joanne Wile  
Mayor

Attest:

---

Jacqueline L. Bucholz, CMC  
City Clerk