

Approved: October 18, 2010.

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, OCTOBER 4, 2010**

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**7:30 p.m.**

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and Officer Belman and members of the Youth Academy led the Pledge of Allegiance to the Flag,

**ROLL CALL**

Present: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile  
Absent: None

**STAFF PRESENT**

Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Manager; Ann Chaney, Community Development Director; Aleida Andrino-Chavez, Transportation Planner; Randy Leptien, City Engineer; Gale Ross, Contract Project Manager; Rich Cunningham, Public Works Manager; Nicole Almaguer, Environmental Resource Associate; Mike McQuiston, Chief of Police.

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

**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. CONSENT CALENDAR**

**4-1.** Minutes, September 20, 2010.

Staff recommendation: Approve

**4-2.** a. Ratification of City of Albany net payroll in the amount of \$213,942.83. taxes, benefits & withholdings in the amount of \$267,899.56. Total payroll in the amount of \$481,842.39. Payroll period: 09/24/10.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$50,590.67; taxes, benefits & withholdings in the amount of \$56,280.82. Total payroll in the amount of \$106,871.49. Payroll period: 09/24/10.

Staff recommendation: Ratify.

**4-3.** Police & Fire Pension payments for the month of September, 2010 in the amount of \$120,176.93.

Staff recommendation: Ratify.

**4-4.** Council Member Javandel appointing Allan Maris to the Waterfront Committee.

Staff recommendation: Information.

**4-5.** Consideration of Claims.

a. AL631; Kitching v. City

b. AL632; Allstate Insurance Co. v. City  
(File #170-60)

Staff recommendation: Reject claims #AL631 & AL632 and authorize the City Clerk to send out the appropriate rejection letter.

**4-6.** Resolution No. 2010-50 – A Resolution of the Albany City Council Accepting the Offer of Dedication by the Albany Unified School District for a Portion of Property to be used for the Installation of a Curb Ramp Associated with the Buchanan/Jackson Traffic Signal Project.

(File #670-40)

Staff recommendation: Approve.

**4-7.** Contract for the Design of the Buchanan/Marin Utility Overhead Conversion District.

(File #600-30)

Staff recommendation: Authorize the City Manager to enter into a contract agreement with Robert Gray & Associates (RGA) for the design of the

**4. CONSENT CALENDAR**

Buchanan/Marin Utility Overhead Conversion District in the total amount of \$53,065, divided into two payment phases. Phase I (FY 2010-11) totaling \$20,000 and Phase 2 (FY 2011-12) totaling \$33,065.

- 4-8.** Ratification of bills, claims & demands against the City of Albany in the amount of \$200,107.38. Period: 09/17/10.  
(File #300-40)

Staff recommendation: Ratify.

- 4-9.** Resolution No. 2010-51 – A Resolution of the Albany City Council Opposing Proposition 26 on the November, 2010 ballot.  
(File #660-40)

Staff recommendation: Approve.

Mayor Wile asked if anyone would like to remove an item from the Consent Calendar. No items were removed.

**MOTION:**

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

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**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.

Mayor Wile asked if anyone would like to speak. Ray Anderson, Traffic & Safety Commissioner; Officer Belman, APD; Alan Maris, Albany resident.

A summary of the comments is as follows: Expressed concern that the traffic officer and the SRO officer are no longer in the budget. Spoke on the Youth Academy Program that is put on by the Police Department and announced the upcoming graduation Saturday, October 9, 10 a.m. Announced the Pancake Breakfast put on by Fire Department Sunday, October 10, 8 a.m.

A summary of Council comments is as follows: 1) Announced the 10/10/10 event to help with the work on global issues and environmental awareness. 2) Attended a No on Proposition 23 meeting. 3) Strollers/Rollers will be putting on headlights and taillights on bikes of children during the Bike to School Day. 4) Announced that 4 Interns are working at Marin and Cornell Elementary Schools.

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

## **6. PRESENTATION/PUBLIC HEARING**

### **6-1. International Walk to School Day. (File #345-30)**

The Transportation Planner invited the Council and public to volunteer on October 6, 2010 for the International Walk and Bike to School Day in Albany. The City received a grant that enabled the City to purchase parts necessary to assemble a blender bike to be used for events promoting active modes of transportation. The blender bike was shown to the Council.

A summary of the Council comments is as follows: Announced a contest for 10/10/10 Day to lower carbon emissions and noted that Transitional Albany is involved in this.

### **6-2. Presentation of City's Geographic Information System (GIS), Codornices Creek Restoration Project and Rehabilitation of Catherine's Walk.**

The City's Project Manager gave a presentation on the Codornices Creek Restoration Project with some assistance by the City Engineer.

The Contract Project Manager gave a presentation on the Rehabilitation of Catherine's Walk on Albany Hill.

The Public Works Manager gave a presentation on the City's GIS program.

The following people spoke: Clay Larson, Albany resident; Alan Maris, Albany resident.

A summary of the comments is as follows: Noted that some cities actually put interactive maps on line for the public to look at. Suggested that Interns be hired to work on the GIS program. The Public Works Manager responded that all the work has been completed.

## **7. UNFINISHED BUSINESS**

No Unfinished Business.

## **8. NEW BUSINESS**

### **8-1. Waste Management Franchise Extension (810-30)**

The Assistant City Manager reported that the original term of the Franchise Agreement with Waste Management of Alameda County will be complete on April 30, 2011. Staff is recommending that the City request the available extensions to the Franchise Agreement and begin discussions with Waste Management regarding additional services and negotiation of a new Franchise Agreement.

**8-1. Waste Management Franchise Extension**

A summary of the Council comments is as follows: Agree with staff’s recommendation and the new agreement should include collection of household batteries and compact fluorescent lights and an increase in recycling. Noted that Waste Management should make every effort to make sure that the trash bins are put back in the location found and not left in the streets. Expressed concern that the condominiums at Pierce Street are ignored and would like to see services expanded to encourage recycling, and the collection of cooking oil and the 2030 waste target date moved up. Believe that Albany was not included in the multi-family recycling pilot and would like to see the use of alternate fuels. Mr. Dave Tucker, Waste Management responded that the Company is looking into using alternate fuel for their trucks to use.

The following people spoke: Alan Maris, Albany resident; Clay Larson, Albany resident; Ed Fiends, Albany resident.

A summary of the comments is as follows: Agreed with Council that the trash bins must be put back where found, as leaving in the streets is a safety hazard. The City needs to define what curbside means. Questioned the City as to why it was not using the competitive bid system.

**MOTION:**

Moved by Council Member Thomsen, seconded by Council Member Lieber to authorize staff to request the available extensions and begin discussions with Waste Management regarding additional services and negotiation of a new Franchise Agreement; and that staff to come back within six (6) months so the Council can discuss the competitive process again.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

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

A summary of Council comments is as follows: 1) Spoke about attendance at a phone bank regarding Proposition 23 & 26 and voting no. 2) Attended the Dinner with Albany and noted what a great event it turned out to be and thanked staff and citizens who volunteered. 3) Attended the California Invasive Species Advisory Commission meeting and spoke against a proposed action that would bypass environmental review and would be bringing to Council an official letter to go on record at the next meeting. 4) Attended the Peace & Student Alliance last week noting that he would be bringing to Council an item to endorse the Children’s Promise Act.

**10. ADJOURNMENT**

9:12 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.

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Joanne Wile  
Mayor

Attest:

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Jacqueline L. Bucholz, CMC  
City Clerk