

Approved: January 10, 2011

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, DECEMBER 6, 2010**

6:30 p.m.

CITY COUNCIL CLOSED SESSION

Call to order

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

The following people spoke: Sgt. Bettencourt, Albany Police Department and Sergeant Willis, Albany Police Department.

A summary of the comments is as follows: The Police Department salaries are the lowest in the area and expressed concern about the disparity between the salaries of the Fire Fighters and the Police Officers. Suggested that the City dip into the reserves and make an investment in the Police Department. The Council was urged to consider the proposal given to the City negotiator today and noted that the morale in the Police Department is very low.

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following: Labor Negotiations pursuant to Government Code Section 54957.8

Agency Negotiator:	City Manager & Glenn Berkheimer, IEDA
Employee Organization:	Albany Peace Officers' Association; Albany Fire Fighters' Association; Local 1021, SEIU; Albany Municipal Services, JPA & Safety Management.

7:30 p.m.

Mayor Wile called the regular meeting of the Albany City Council to order on the above date and Aleida Andrino Chavez 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 Manager; Jacqueline Bucholz, City Clerk; Judy Lieberman, Assistant City Manager; Charlie Adams, Finance Director; Ann Chaney, Community Services Director; Aleida Chavez, Transportation Planner; Penelope Leach, Recreation & Community Services Director; Kim Denton, City Treasurer; Brian Crudo, Battalion Chief; James Boito, Albany Fire Department; Mike McQuiston, Police Chief.

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

Mayor Wile reported that instructions were given to the City's negotiator.

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, November 15, 2010.

Staff recommendation: Approve

- 4-2. a.** Ratification of City of Albany net payroll in the amount of \$208,877.23; taxes, benefits & withholdings in the amount of \$262,805.84. Total payroll in the amount of \$471,683.07. Payroll period: 11/19/10.
- b.** Ratification of Albany Municipal Services JPA net payroll in the amount of \$49,960.46; taxes, benefits & withholdings in the amount of \$57,610.42. Total payroll in the amount of \$107,570.88. Payroll period: 11/19/10.

Staff recommendation: Ratify.

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of \$291,165.02. Period: 11/12/10; \$182.00, JPA. Period: 11/12/10. (File #300-40)

Staff recommendation: Ratify.

4. CONSENT CALENDAR

- 4-4.** Resolution No. 2010-54 – A Resolution of the Albany City Council Approving and Accepting Improvements and Directing the Filing of the Notice of Completion for Contract No. C09-11, 2009 Paving Project.
(File #600-30)

Staff recommendation: Adopt.

- 4-5.** Resolution No. 2010-60 – A Resolution of the Albany City Council, County of Alameda, State of California, Declaring the Results of the General Municipal Election Held on November 2, 2010.
(File #630-30)

Staff recommendation: Adopt.

- 4-6.** Speed Hump/Speed Table Design and Implementation Guidelines.
(File #590-40)

Traffic & Safety Commission recommendation: Approve the Traffic & Safety Commission recommendation to adopt the speed hump/speed table design and implementation guidelines presented under Exhibit A, as an attachment to the existing Traffic Calming Policy.

- 4-7.** Connect Academy at Albany High School Internship Program with the City of Albany.
(File #100-15)

Mayor Wile recommendation: Authorize City staff to work with students from Connect Academy at Albany High School and Mayor Wile to place students in City internships.

Mayor Wile asked if anyone would like to remove an item from the Consent Calendar and 4-5 was removed to discuss.

- 4-5.** Resolution No. 2010-60 – Declaring Election Results

Council Member Atkinson asked that the measures in the report note what each one is and not just designated by the letter.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen 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. OATH OF OFFICE

At this time the City Clerk asked Mayor Wile and Council Member Atkinson to stand so that the Oath of Office could be issued. The City Clerk announced that the City Attorney is out of the country but was given the Oath before he left and the School Board appointees would be sworn in Tuesday, December 7, 2010.

Council Member Atkinson thanked everyone that supported her and stated it was nice to walk around the City and meet people.

Mayor Wile also thanked her supporters and stated that she appreciated the fact that Albany voters rejected the politics of personal attacks.

6. GOOD OF THE CITY

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 City Manager announced the following: The Council will meet in special session on Monday, December 13th to hear the appeals on the Wireless Cell Towers and noted that the meeting of December 20th would be cancelled. The Council reorganization would be held on December 13th.

It was noted that unfortunately on December 13th there would be several conflicting meetings: City Council, Waterfront Committee and the Arts Committee and noted that with so many Commissions/Committees it is difficult to find a day that doesn't conflict with another group.

The Community Development Director spoke about the Waterfront Committee meeting scheduled for December 13th, 7:30 at the Senior Center noting that the EBRPD grant on beach restoration would be discussed.

The following people spoke: Brian Parsley, Albany resident; Clay Larson, Albany resident.

A summary of the comments is as follows: Expressed concern about the conflicting meetings noting that the Waterfront meeting is very important and having more than one meeting at the same time forces people to have to choose. Urged people to try and attend both meetings.

The City Manager noted that the Waterfront meeting would be videotaped and broadcast.

The City Council announced the following: Congratulated Taco Bell on being the first business to receive the Solar Award for technology and green building. Congratulated Mayor Wile on receiving the most votes in the election and thanked her for all the hard work she has done for the City. It was noted that a meeting would be held Tuesday, December 7th at the Community Center to discuss a Farmer's Market coming to Solano Avenue. It was noted that the Intern Program at the High School has been embraced by the business community and the City.

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

7. PRESENTATION/PUBLIC HEARINGS**8. UNFINISHED BUSINESS****8-1. Revisions to City Commissions, Committees and Boards.**

(File #110-20)

The City Manager reported at the November 15th meeting the Council received comments from its advisory bodies on recommended changes to composition, policies, procedures and other aspects of the City's commissions, committees and boards.

The changes to the advisory body composition are: 1) Discontinue at-large appointments of the City Council to the Charter Review Committee (2 seats), Sustainability Committee (1 seat) and Waterfront Committee (2 seats). 2) Discontinue the at-large appointments of the Albany Unified School District Board of Education to the Social & Economic Justice Commission and the Sustainability Committee. The at-large seats on the Parks & Recreation Commission would remain. 3) Add up to two seats recommended to the City Council for appointment to the Community Media Access Committee by the Board of Education. 4) Discontinue the Youth Task Force.

The City Manager noted that two communications were received from the Sustainability Committee urging the Council to keep the at-large position and the student appointment.

The following people spoke: Brian Parsley, Albany resident; Emilie Raguso, Albany Patch; Peggy McQuaid, Albany resident; Tom Cooper, Albany resident; Clay Larson, Albany resident.

A summary of the comments is as follows: It was noted that having the at-large positions creates problems in obtaining a quorum and urged the Council to look at the position and not at the people currently serving in those positions. It was reiterated the need for training especially on the Brown Act. It was asked that the Arts Committee and the Waterfront Committee not be scheduled on the same day. Spoke on the need to maintain the at-large and student appointment on the Sustainability Committee. Spoke on the 2x2x2 meetings noting that there should be reports prepared so that the public know what has transpired. It was noted that the 2x2x2 agenda did not appear on the City website.

A summary of the City Council comments is as follows: It was suggested that that at-large positions remain and that they would be "grandfathered" in until the positions are vacated. It was the consensus of the Council that the Sustainability should keep the at-large and the student appointment due to the Climate Action Plan and the specialized work that is going to be needed. Questioned the language for the Community Media Access Committee "adds up to 2" noting it should state one or two. Questioned the language on Page 2, line 15 second sentence.

The City Council made the following changes to Resolution No. 2010-63: Page 1, line 13 – 17 eliminate reference to the Sustainability Committee. Page 2, line 15 eliminate the second sentence.

Council Member Lieber presented Resolution No. 2010-63 – A Resolution of the Albany City Council Revising Composition and Modifying Protocols for the City Commissions/Committees/Boards.

8-1. Revisions to City Commissions, Committees and Boards.

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. 2010-63.

To implement training expectations for appointees, beginning with a training session the evening of Monday, January 31, 2011.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

Council also agreed that the recommendation to have an e-mail address for Commission/Committee/Board members was not a good idea due to Brown Act concerns.

9. NEW BUSINESS

9-1. Unaudited Financial Statements, June 30, 2010, Inter-fund Transfers, Self Insurance Reserves and Appropriations Limit

(File #330-20)

The Finance Director reported that the City's financial results for the fiscal year ended June 30, 2010 are in line with the revised budget. The City's adopted budget projected a net increase to the fund balance of \$23,966. The actual (unaudited) net increase for the year was \$32,138.

Revenues for the year were \$13,473,226, a decrease of .4% from fiscal year 2008-09 and 2.3% over the revised budgeted revenues. The only revenue category significantly under budget was Other Taxes (\$85,301).

Expenditures for the year were \$15,846,507, a decrease of 1.2% from fiscal year 2008-09 and were 2.9% under budgeted expenditures. Salaries and benefits were 3% under budget for a saving of \$419,720. New equipment exceeded budget by \$89,000.

Inter-fund transfers: The major deviation from budget was the transfer for \$500,000 to the Major Planning Fund to be used for preparation of the General Plan update.

Worker's Compensation Insurance Reserve: The estimated liability is fully funded. General Liability Insurance Reserve. The estimated liability is fully funded.

Appropriations Limit: The limit for fiscal year 2010-11 is \$15,406,933 and expenditures subject to this limit in the 2010-11 budget are \$11,987,719. These budgeted expenditures are \$3,419,214 below the appropriation limit.

No one from the public spoke.

Council Member Thomsen presented Resolution No. 2010-61 – A Resolution of the Albany City Council Establishing the Appropriations Limit for the 2010-11 Fiscal Year.

9-1. Unaudited Financial Statements, June 30, 2010, Inter-fund Transfers, Self Insurance Reserves and Appropriations Limit

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Atkinson to approve Resolution No. 2010-61.

1) Accepted the unaudited financial report for the fiscal year ended June 30, 2010. 2) Approved the updated schedule of inter-fund transfers. 3) Approved the self-insurance reserve balance, as reported at June 30, 2010.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

9-2. San Pablo Avenue Stormwater Spine Project

(File #345-70)

Council Member Lieber stated that he would be recusing himself due to a conflict of interest.

The Community Development Director reported that the City's watershed is compromised by non-profit source pollution and excessive stormwater runoff, which flows via storm drains directly to the creeks and the San Francisco Bay.

The San Francisco Estuary Project (SFEP) is a division of the Association of Bay Area Government and is a local coalition working to protect and enhance water quality in the San Francisco Bay Delta Estuary. SFEP is initiating a pilot project to develop green infrastructure along the San Pablo Corridor and Caltrans has given its support to the project and will be involved.

SFEP is requesting that each City partner select its own sites on San Pablo Avenue, which would then be designed to treat a minimum of 1.1 acres of urban run-off using appropriate sustainable stormwater management techniques. To fund this project, SFEP is applying for grants from the EPA, which are due by January 18, 2011 and from the State of California, which are due by January 7, 2011.

Staff has proposed a number of potential areas for creation of stormwater planters to treat stormwater runoff. Staff is recommending the following location: 800 block of San Pablo Avenue (east side) and an alternate location: San Pablo Avenue at Codornices Creed and Village Creek (west side adjacent to University Village).

No one from the public spoke.

Council Member Thomsen presented Resolution No. 2010-62 – A Resolution of the Albany City Council Authorizing the City Manager to Submit a Letter of Support on Behalf of the City to the San Francisco Estuary Project (SFEP) Approving the City's Participation in the San Pablo Avenue Stormwater Spine Project and Supporting the SFEP's Grant Applications for the Project.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Javandel to approve Resolution No. 2010-62.

9-2. San Pablo Avenue Stormwater Spine Project

VOTE ON THE MOTION:

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

NOES: None

ABSENT: Council Member Lieber

(recused)

Motion carried and so ordered.

Council Member Lieber came back into the Chamber.

9-3. City Council Objectives Progress Report

(File #100-30)

The City Manager reported that Council adopted the following goals for Fiscal Years 2010-11 through 2011-12: Environmental and fiscal strength; healthy local economy; safe, diverse and engaged neighborhoods; treasured waterfront.

Submitted for Council review is a status report on the goals. The City Council asked a number of questions, as follows:

1. Video Devices on cars/patrol officers: Chief McQuiston noted that the difference between the devices is how they record data.
- 2) 911 System: Chief McQuiston stated that the new system allows data from other forms, such as the internet and not just the landline.
- 3) EBRCS System: It was noted that when this is ready the Police Department will receive two new dispatch consoles. This is a capital investment.
- 4) Community Engagement Specialist: This position is a part-time one and works 20 hours per week.
- 5) Bipartisan agreement: The Battalion Chief noted that this is an agreement between the City and the Firefighters for physical fitness.
- 6) 947 Jackson: It was noted that this is slow going but is under construction.
- 7) El Cerrito Plaza closure: Pending El Cerrito traffic study;)
- 8) Economic Development: Spoke about redevelopment, signage and how to address gateways. Working with the San Pablo Avenue Corridor and Berkeley for San Pablo Avenue, façade improvement.

The City Manager noted that Council will be kept updated on the progress of the goals.

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

The following announcements were made by the City Council: 1) Attended the Library Board meeting, which is looking at alternatives for the library and noted that the community does not like the idea of privatization. 2) Attended the Senior Center Fair, which is a fundraiser and suggested that the Senior Center prepare a newsletter and put items on the web page. 3) Attended the Police Activities League dinner and thanked all the volunteers that work hard on this organization.

11. ADJOURNMENT

9:30 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.

Joanne Wile
Mayor

Attest:

Jacqueline L. Bucholz, CMC
City Clerk