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**MINUTES OF THE ALBANY CITY COUNCIL  
IN REGULAR SESSION,  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE  
MONDAY, MARCH 7, 2011**

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**7:30 p.m.**

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

**ROLL CALL**

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

**STAFF PRESENT**

Beth Pollard, City Manager; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Marc McGinn, Fire Chief.

**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.)

**4-1. Minutes, February 22, 2011.**

Staff recommendation: Approve

**4-2. a. Ratification of City of Albany net payroll in the amount of \$204,207.69; taxes, benefits & withholdings in the amount of \$264,592.36. Total payroll in the amount of \$468,800.05. Payroll period: 02/25/11.**

**4. CONSENT CALENDAR**

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$50,173.85; taxes, benefits & withholdings in the amount of \$61,845.48. Total payroll in the amount of \$112,019.33. Payroll period: 02/25/11.

Staff recommendation: Ratify.

- 4-3.** a. Resolution No. 2011-11 – A Resolution of the Albany City Council Amending the Albany Bicycle Master Plan (BMP) to Include Buchanan Street as a Class I Bicycle Facility and Modify Relevant Test.  
b. Resolution No. 2011-12 – A Resolution of the Albany City Council Submitting an Application to the Bicycle Transportation Account Program (BTA) for \$600,000 in Grant Funding and Commit to Providing the Required 10% Local Match for the Buchanan Bikeway Project.  
(File #1060-80)

Staff recommendation: Approve.

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

**MOTION:**

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

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

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

The following people spoke: Robert Harkman, Golden Gate Fields; Robert Cheasty, representing CESP & Citizens for Albany Shoreline; Francesco Papalia, Albany, Waterfront Committee; Emilie Raguso, Albany Patch.'

A summary of the comments is as follows: Golden Gate Fields is being considered as a location for the Lawrence Berkeley Lab. It was noted that Golden Gate Fields is one of 21 applications being considered and that Golden Gate Fields priority is focus on racing and revenue it generates to the City and schools. It was noted that there is a potential for job opportunity if this project is approved and expressed concern about local control issues and the City being heard. A question was asked about Committee members being able to participate on Albany Patch and would like advice and

## 5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

clarification. The City Attorney responded that he would recommend that individuals call him about their particular issue and he would respond. A concern was expressed that a policy should be made to everyone so people know whether they can participate.

A summary of Council comments is as follows: Attended an anti bullying seminar sponsored by the Albany Unified School District. It was noted that the Albany Fire Department have a very good response time and hoped that the City continues this in the future.

Council Member Lieber noted that he may have to recuse himself on discussions pertaining to Golden Gate Fields but is awaiting a written response from FPPC on whether he can participate.

The rest of the Council noted that they all had discussions with Robert Harkman regarding the proposal for Golden Gate Fields.

Mayor Javandel stated that he would be donating his February City paycheck to the Albany Education Foundation.

## 6. PRESENTATION/PUBLIC HEARING

## 7. UNFINISHED BUSINESS

### 7-1. Redevelopment Agency – Governor’s Proposal (File #330-80)

The City Manager reported that due to the State budget the Governor is proposing to abolish local redevelopment agencies, effective July 1, 2011. The Albany Community Reinvestment Agency receives property tax increment revenue and uses it as a source of funding to retire existing debt, to finance future public projects and to fund public improvements.

The City currently receives approximately \$500,000 a year in redevelopment tax increment revenue and would lose up to the full amount in fiscal year 2011-12 and approximately \$400,000 per year in tax revenue, plus future growth.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Francesco Papalia, Albany resident. A summary of the comments is as follows: Spoke about the Safeway and UC Project and revenue these projects will bring to Albany and noted the importance of bringing in revenue from a commercial base.

Council Member Thomsen presented Resolution No. 2011-9 – A Resolution of the Albany City Council Opposing the Governor’s Proposal to Abolish Redevelopment Agencies in California.

### **MOTION:**

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Wile to approve Resolution No. 2011-9.

**7-1. Redevelopment Agency – Governor’s Proposal**

**ON THE QUESTION:**

Council Member Atkinson spoke about the proposal for a special election regarding tax measures and stated that this Resolution should be sent to the Legislature.

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

NOES: None

ABSENT: None

ABSTAIN: Council Member Lieber

Motion carried and so ordered.

**8. NEW BUSINESS**

**8-1. Ordinance No. 2011-01 – Hours of Operation at City Parks**  
(File #920-10)

On February 7, 2011, Council approved Resolution No. 2011-8, which listed park hours for parks not currently listed in the Municipal Code: Jewel’s Terrace Park, Ocean View Pak and Dartmouth Tot Lot. However, before the Resolution can go into effect Council must pass this Ordinance.

Mayor Javandel asked if anyone would like to speak and no one came forward.

Council Member Wile introduced for first reading – Ordinance No. 2011-01- An Ordinance of the Albany City Council to Amend the Albany Municipal Code to Allow Council Via Resolution to Set Hours of Operation for Parks not Currently Listed in the Municipal Code.

**MOTION:**

After reading the title, and waiving reading of entire Ordinance, it was moved by Council Member Wile and seconded by Council Member Atkinson to approve Ordinance No. 2011-01 for First Reading.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-2. Share Fire Chief Services and Continuation of Temporary Services**  
(File #700-10)

The City Manager reported that with the retirement of the Fire Chief last fall, the City Council authorized and directed staff to explore future alternatives for management of the Fire/EMS Department, including partnership(s) with other fire services, agency/agencies.

After much discussion the only viable shared fire chief arrangement option at this time is to explore sharing the services of Piedmont’s Fire Chief. This proposal is for one full-time chief to be the chief administrator of the two fire departments, on a trial basis. The proposal is to enter into a contract for a trial period of 12 months, with a review after 9 months, and a 60 day termination clause for either party to withdraw if there is dissatisfaction that cannot be rectified.

**8-2. Share Fire Chief Services and Continuation of Temporary Services**

The cost savings is an initial \$85,000 and each city would pay one-half the cost of compensation for the position. The Chief would receive his existing salary provided by Piedmont, plus 10% for the increased responsibility. There would be additional savings in the Chief's training, travel, membership and meeting expenses and overhead costs budgeted for this position.

Members of the Albany Fire Department and others have met with Piedmont's Chief and all reports back are favorable, and there is openness to trying something different.

The incumbent Albany Fire Chief has been working on a contract, part-time hourly basis for salary only, no benefits for the past 6 months. The Chief has nearly exhausted the 960 hours allowed by PERS, and is recommending an extension from PERS.

Mayor Javandel asked if any would like to speak and the following people spoke: Robert Cheasty, Albany resident and a summary of the comments are as follows: Expressed concerns about this proposal and noted the current 3 minute response time and urged the Council to continue this policy and to be very careful.

City Council response is as follows: Expressed interest in the proposal and believes the City can still maintain the high quality service. It was noted that this decision was not done lightly and stated it is a sign of the times. Agreed that a trial period is good and noted that the Council does have concerns but does support the trial period. It was noted that Albany has a long history of good service and great response times and would support this on a trial period. Expressed confidence in the Albany Fire Department personnel and believes this could work but supports a trial period.

Council Member Wile presented Resolution No. 2011-14 – A Resolution of the Albany City Council Authorizing Continuation of a Contract with Marc McGinn to Provide Part-Time Fire Chief Services on a Temporary, Hourly Basis.

**MOTION:**

Moved by Council Member Wile, seconded by Council Member Atkinson to 1) Consider sharing a Fire Chief with the City of Piedmont, on a trial basis, and agendaize a City Council action item to authorize entering into a contract with Piedmont for a trial period. 2) Approve Resolution No. 2011-14, waiving reading of entire Resolution.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-3. Complete Streets for Buchanan Street & San Pablo Avenue Grant  
(File #345-30)**

The Community Development Director reported that in January, 2011 Caltrans issued a Call for Projects for its Transportation Planning Grants for FY2011-12. These grants include economic revitalization, "complete streets" studies, context-sensitive streetscapes or town center studies or plans among other categories of eligible projects.

### 8-3. Complete Streets for Buchanan Street & San Pablo Avenue Grant

The City's Draft Climate Action Plan calls for inclusion of the concept of Complete Streets in the City of Albany, which is a concept developed at the national level encouraging the implementation of streets that accommodate all users of the roadways. The implementation of Complete Street strategies promotes walking and bicycling, therefore, the potential of reducing emissions from transportation sources.

The Community Development Director noted that a 10% match is required for the grant and up to one quarter can be in-kind. The project is estimated to cost approximately \$125,000 and the estimated match is only 7.5% or \$9,375. Possible sources of funding are Transportation Development Acts (TDA) funds.

Mayor Javandel asked if anyone would like to speak and no speakers came forward.

Council Member Thomsen presented Resolution No. 2011-10 – A Resolution of the Albany City Council Authorizing the City Manager to Enter into a Contract with Caltrans Upon Receipt of a Community-Based Transportation Planning Grant for the Development of a Study for Complete Streets for Buchanan Street and San Pablo Avenue.

#### MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Lieber to approve Resolution No. 2011-10.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

### 8-4. Referral of Resolution to Social & Economic Justice Commission

Council Member Atkinson stated that she asked that this item be on the agenda and noted that other cities are passing similar resolutions, which call for a constitutional amendment to rectify the U.S. Supreme Court's 2010 ruling in *Citizens United v. the Federal Election Commission* that rolled back limits on corporate spending on election campaigns.

Council Member Atkinson stated that she would like this item referred to the Social & Economic Justice Commission for an analysis on the pros and cons.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Francesco Papalia, Albany resident.

A summary of the comments is as follows: It was noted that he shared the same concerns about money and politics, however, expressed concern that this may be a little too overreaching and not specific enough.

A summary of the Council comments is as follows: Thanked Council Member Atkinson for being proactive and bringing this item before the Council for action. It was noted that a citizen of the US is a human being and not a corporation. It was stated that the Resolution should be specific that corporations are not individuals and would like to see more precision.

**8-4. Referral of Resolution to Social & Economic Justice Commission**

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Wile to refer this item to the Social & Economic Justice Commission for an analysis on pros and cons and suggestions for any alternative language, with a report back to Council in 6 months. Also included in the motion that the Resolution should state that US citizens are human beings and corporations are not.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

**8-5. Report on the Associated Community Action Program (ACAP)**

Council Member Lieber commented that he is the City's representative on ACAP, which involves 12 cities and deals with re-entry programs for youth under 24 years of age, teen programs and job opportunities.

The Board has been dealing with personnel issues, which culminated in the termination of the Executive Director and will be meeting on Wednesday to consider termination of the JPA and the entire project.

Council Member Lieber explained that the City may have some liability and there will be some closed sessions in the future to discuss this.

The City Attorney commented that the city attorneys of the cities involved will be meeting as a group to try and determine how to proceed and believe this is going to be a several month process.

The City Manager noted that the city managers involved will also be meeting on Wednesday so that the involved city councils can be advised on alternative actions. The City Attorney stated that staff will come back to Council when there is something to report.

Mayor Javandel asked if anyone would like to comment and no one came forward.

A summary of the Council comments is as follows: It was asked whether the Agency asked the County for funds and the response was yes but the County declined. It was noted that this problem was well hidden when a part of the Board noting that no one had any inkling of trouble at that time.

No Council action required.

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

The following announcements were made by the City Council: 1) Attended a meeting with the USDA on Friday. 2) Council Members disclosed meetings with Golden Gate Fields on the Lawrence Berkeley Lab proposal. 3) It was also noted that Council would support sending a letter of support for the RFQ if Golden Gate Fields believes this would help. 4) Thanked for the community for the support of the Voices to Vision report

and stand by that report in terms of both open space and finances. Mayor Javandel stated that a follow-up agenda item would be on a future agenda.

**10. ADJOURNMENT**

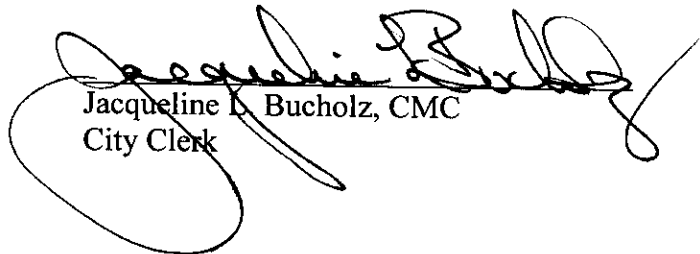
8:45 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

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



Farid Javandel  
Mayor

Attest:



Jacqueline L. Bucholz, CMC  
City Clerk