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**MINUTES OF THE ALBANY CITY COUNCIL  
IN REGULAR SESSION,  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE  
MONDAY, APRIL 4, 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 L. Bucholz, City Clerk; Ann Chaney, Community Development Director; Jeff Bond, Planning Manager; Randy Leptien, Contract Engineer; Nicole Almaguer, Environmental Resource Associate; Marc McGinn, Fire Chief; Mike McQuiston, Police Chief; Judy Lieberman, Assistant City Manager.

**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, March 21, 2011.**

Staff recommendation: Approve

**4. CONSENT CALENDAR**

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$192,867.43; taxes, benefits & withholdings in the amount of \$251,589.05. Total payroll in the amount of \$444,456.48 .Payroll period: 03/25/11.  
b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$52,221.64; taxes, benefits & withholdings in the amount of \$61,307.63. Total payroll in the amount of \$113,529.27. Payroll period: 03/25/11.

Staff recommendation: Ratify.

- 4-3.** Ratification of bills, claims and demands against the City of Albany in the amount of: \$18,453.37 (2/1/11); \$1,196,498.89 (2/7/11); \$197,828.71 (2/18/11); \$18,453.37 (3/1/11); \$577,679.51 (3/4/11); \$379,064.27 (3/18/11).

Staff recommendation: Ratify

- 4-4.** A rendering of the quarterly Cash and Investments Treasury Report as of December 31, 2010 as required by Section 5346 of the California Government Code.  
(File #300-10)

Staff recommendation: Note and File

- 4-5.** Buchanan/Jackson Traffic Signal & Intersection Safety Improvements at Ocean View School.  
(File #600-30)

Staff recommendation: That the City Council: 1) finds the Bid submitted by Mike Brown Electric Company in the amount of \$316,213 to be the lowest responsive bid submitted for the Buchanan / Jackson Traffic Signal & Intersection Safety Improvements (Contract No. C10-22); 2) awards the construction contract for the Buchanan / Jackson Signal & Intersection Safety Improvements (Contract No. C10-22) to Mike Brown Electric Company, and 3) authorizes the use of approximately \$58,075 of Measure F-2006 funds and \$11,804 of TDA FY 2011-12 funds for this project, in addition to previously identified local and grant funding sources.

- 4-6.** Waste Management of Alameda County Annual Rate Adjustment Request.  
(File #810-30)

Staff recommendation: Authorize the Annual Rate Adjustment of 1.235% requested by Waste Management of Alameda County.

Mayor Javandel asked if anyone would like to remove an item from the Consent Calendar for discussion. The following items were removed: 4-5 & 4-6.

**4. CONSENT CALENDAR**

**4-5. Traffic Signal Intersection Safety**

Council Member Atkinson questioned the procedure regarding the disqualification of a bid and whether it could be resubmitted. The City Engineer replied that the rules are specific and once it is disqualified there is nothing that can be done to rectify it.

**4-6. Waste Management Rate Adjustment**

Council Member Atkinson asked a question about e-waste and whether it included computers and the Environmental Resource Associate replied that yes it did.

Council Member Lieber asked a question about the tonnage pickup per year and asked that staff come back in the future with an answer.

**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: Sydney Madson, Albany resident; Catherine Sutton, Albany resident.

A summary of the comments is as follows: Expressed concern about the possible contamination of nuclear fallout from the Japan earthquake and asked what monitoring was being done by the City. Council Member Lieber responded that monitoring is being down and the levels right now are very low; however, he did give some ideas on what people could do to protect themselves.

City staff spoke on the following: 1) Update on the Safeway Project noting that a work session had been held by the Planning Commission and another is planned in the next few weeks. 2) U.C. Village Whole Foods Project will go to the Planning Commission and then to the City Council in the spring/summer. 3) Staff encouraged citizens to sign up for e-notification on the various City projects. 4) An update was given on the City branding project scheduled for the first week of May. 5) Announced that a budget work session would be held on Tuesday, April 19<sup>th</sup>. 6) A question was asked about the difference in tonnage when pick up is Citywide versus an individual call to Waste Management for pickup.

Council made the following announcements: 1) Attended the Education Foundation Scoops for Schools fundraiser. 2) Attended the fund raiser at U.C. Village for the people of Japan.

Mayor Javandel stated that he was going to donate his City salary for March to School Care.

## **6. PRESENTATION/PUBLIC HEARINGS**

### **6-1. Retirement of Fire Chief**

The City Manager stated that before Council tonight is a Resolution thanking the Fire Chief for his 33 Years of Service to the City. The City Manager noted that the Fire Chief has been a dedicated employee and would like to personally thank him for his commitment to the Fire Department and the City.

Mayor Javandel read Resolution No. 2011-18 – A Resolution of the Albany City Council Thanking Fire Chief Marc McGinn for His 33 Years of Service to the City of Albany Fire Department.

The Fire Chief thanked the Mayor and Council and noted what an honor it has been to serve the City and could not have done it without the support of the City Council and the Firefighters. The Fire Chief introduced members of his family and friends.

#### **MOTION:**

After reading the Resolution in its entirety it was moved by Council Member Lieber and seconded by Council Member Atkinson to approve Resolution No. 2011-18.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

### **6-2. National Library Week Proclamation**

Mayor Javandel presented a proclamation to the Chair of the Albany Library proclaiming the week of April 10-16, 2011, as National Library Week in the City of Albany.

Chair Riffer accepted the Proclamation and thanked the Council and noted that the circulation at the Albany branch is growing. Chair Riffer introduced Library Board member Linda Yamamoto and acknowledged Council Member Lieber, who represents the Council on the Board, who stated that the library use is way up.

It was noted that the Friends of the Albany Library do a great job for the library and thanked them for their service.

### **6-3. Smart Corridor I-80 Integrated Corridor Mobility (ICM) Project (File #600-50)**

The Community Development Director reported that since the implementation of the Smart Corridors project in 2006, the Alameda County Transportation Commission has been working in partnership with regional and local agencies and other stakeholder groups to develop a Corridor System Management Plan (CSMP) for the I-80 Corridor

### **6-3. Smart Corridor I-80 Integrated Corridor Mobility (ICM) Project**

with the purpose of managing congestion and streamline operations of the freeway and major arterials along the corridor.

The objective of the I-80 ICM Project is to achieve a proactive system management approach that will maximize efficiency on the corridor and provide Caltrans and local agencies the needed tools and strategies to improve traffic management. Some of the goals of the project are as follows: Improve travel time reliability; reduce secondary incidents on the freeway; improve management of traffic on arterials during incidents; encourage the use of alternate modes of travel (i.e. transit, etc.); improve transit access and priority along San Pablo Avenue.

Cristina Ferraz, Project Manager Caltrans, and John Hemiup, Project Manager Alameda County Transportation Commission gave a presentation on the proposed project.

A summary of the Council comments is as follows: Expressed concern about diverting traffic onto 123 and Caltrans responded that there would be no active diversion off I-80. Expressed concern about the trailblazer signs being on all the time and was told they would only be used during a major incident on the freeway. It was stated that this project does not seem to encourage people to get out of their cars. A question was raised about the Central Avenue project and the buses that operate on San Pablo Avenue noting the backup due to the traffic lights. It was noted that the intent of the project is to smooth the flow of traffic, reduce congestion and to make it work more efficient with less emissions.

### **6-4. Historical Society Plaque**

(File #150-70)

The City Manager introduced Joan Larson, Chair of the Historical Society, who presented a plaque to the City recognizing Albany builder, Charles MacGregor that would be installed in the sidewalk on Solano at Carmel.

The Chair thanked the members of the Society and introduced the ones that were at the meeting: Ruth Ganong, Marsha Skinner, Peggy McQuaid, Jewel Okawachi, Kim Denton, Jack Rosano, Brian Parsley, Chris Baily and Karen Sorenson. It was also noted recognition be given to Jerri Holan, architect and Rita Smith, realtor, who helped with this project.

Mayor Javandel accepted the plaque and thanked the Historical Society for their hard work. Council Member Lieber also thanked the Society and noted that he lives in a MacGregor home.

#### **MOTION:**

Moved by Council Member Atkinson, seconded by Council Member Lieber to accept the Plaque from the Historical Society that would be installed in the sidewalk on Solano at Carmel to recognize the office of Albany builder Charles MacGregor and that the City would waive any encroachment fees.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

### **6-5. CrimeReports.com**

The Police Chief gave a power point presentation on the new program CrimeReports.com, which would involve uploading daily activity logs onto the internet program. The Police Chief noted that he is very pleased with the amount of information being put in the program and it is in real time. The program shows police activity throughout the City on a City map and is a free service to the public with a \$99 a month City fee.

## **7. UNFINISHED BUSINESS**

### **7-1. Memorandum of Understanding – Albany Peace Officers’ Association (File #730-40)**

The City Manager reported that the Albany Peace Officers’ Association (APOA) have reached an agreement after negotiating for the past 18 months and is for the period November 1, 2009 through October 31, 2011. The APOA members will receive two salary increases of 2.5% over the two year agreement; effective June, 2011, employees will pay a portion of the CalPERS retirement contribution (8% non-sworn and 9% sworn) and concurrently will receive an increase in their wage rates (6.4% for non-sworn, 7.1% for sworn); an increase in the maximum education incentive; establishment of a longevity incentive; create a lower cost and benefit CalPERS tier for future hires.

The City Manager noted that the retroactive payment for the period January 11, 2010 through April 4, 2011 is estimated at \$277,000 and will be recorded as an expense of fiscal year 2010-11 in the General Fund. The annual net cost for compensation is approximately \$257,000 and is a 5.12% increase over current compensation.

A summary of the City Council comments is as follows: Commended the APOA for recognizing the City budget problems and appreciate the hard work on everybody’s part.

Council Member Thomsen presented Resolution No. 2011-20 – A Resolution of the Albany City Council Approving the Memorandum of Understanding Between the City of Albany and Albany Peace Officers’ Association (APOA).

#### **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. 2011-20.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## 8. NEW BUSINESS

### 8-1. Joint Funding Agreement – Associated Community Action Program (ACAP)

(File #600-40)

The City Manager stated that as previously reported the Associated Community Action Program has been under financial and managerial distress and is in the process of winding down in its current form. Certain steps are being taken to minimize risks and costs related to the current condition of ACAP, past actions, and the winding down of the agency. As part of the process, the former City Manager of Dublin has been hired to step in as Interim ACAP Director and to advise the members on future actions and costs to the City, which currently stands at \$25,000 by each member agency to fund obligations such as past due payroll. It also requires the full cooperation between and among the members in sharing information that is critical to understanding the present state and charting the best course for the members and communities.

Council Member Lieber, the City's representative on ACAP, noted that he received from the City a copy of the JPA today and has had difficulty in obtaining this from ACAP. Council Member Lieber noted that had the Board received this document when originally requested it would have made the process easier.

A summary of the City Council comments is as follows: It was noted that it is a good thing that the employees received their past due payroll. A question was asked on how many people that live in Albany are served by ACAP and was told minimal, however, it is helping out the regional and county. A question was asked on whether criminal charges were going to be levied and the response was that an investigation is ongoing.

#### **MOTION:**

Moved by Council Member Lieber, seconded by Council Member Atkinson to authorize the execution of the Reimbursement and Joint Cooperation/Representation Agreement for Interests/Pooled Information by and among the County of Alameda and the cities of Alameda, Albany, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Piedmont, Pleasanton, San Leandro and Union City in connection with the winding down of the business affairs of the Joint Powers Agency known as ACAP.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

## 9. OTHER BUSINESS, REPORT ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS

The following announcements were made by the City Council: 1) The Senior Center has three computers for the senior's use. 2) White Elephant sale, Saturday, April 9th, 10-2 p.m. and noted that donations are needed. 3) Future agenda items: Council Member Lieber asked that an amendment to the Code to require automatic doors on multiple units; Council Member Atkinson asked that an item regarding single payer

health resolution. 4) In an effort to operate under a leaner mode the Mayor asked that the Council Members prepare their reports when bringing an item for Council action.

**10. ADJOURNMENT**

9:45 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.

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Farid Javandel  
Mayor

Attest:

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Jacqueline L. Bucholz, CMC  
City Clerk