

Date Approved: July 18, 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
TUESDAY, JULY 5, 2011**

6:30 p.m.

CLOSED SESSION

Call to order.

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following:

- 1) Labor Negotiations pursuant to Government Code Section 59457.6

Agency Negotiator: City Manager & Glenn Berkheimer, IEDA
Employee Organizations: AlbanyFire Fighters' Association; Local 1021,
SEIU

- 2) Executive session pursuant to Government Code Section 54957 to discuss Public Employee Performance Evaluation:

City Manager: Beth Pollard

7:30 p.m.

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date and lead 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 Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Mike McQuiston, Police Chief; Jeff Bond, Planning Manager; Dustyn Wiggins, Captain, Fire Department; Aleida Chavez, Transportation Planner; Nicole Almaguer, Environmental Specialist; Chelle Putzer, Community Services Manager; Judy Lieberman, Assistant City Manager.

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

Mayor Javandel reported that regarding 1) labor negotiations direction was given to staff; 2) Employee Performance Evaluation preliminary discussions started and continued to the next meeting.

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, June 20, 2011

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$196,309.15; taxes, benefits & withholdings in the amount of \$265,935.39. Total payroll in the amount of \$ 462,244.54. Payroll period: 6/17/2011

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$52,862.23; taxes, benefits & withholdings in the amount of \$58,799.25. Total payroll in the amount of \$ 111,661.48. Payroll period: 6/17/2011

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of: \$205,996.94 (06/10/11); \$417,417.84 (06/24/11).

b. Ratification of bills, claims and demands against the Joint Powers Authority in the amount of: \$30.00 (06/10/11); \$1,093.60 (06/24/11).

Staff recommendation: Ratify

4. CONSENT CALENDAR

4-4. Claim #AL645, Davis vs. City

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

4-5. Ratification of Police & Fire Pension Plan payments in the amount of \$132,523.32 for the month of June, 2011.

Staff recommendation: Ratify.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen 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 Good of the City/Public Forum/Announcements and the following people spoke:

Karina Tindol, Police Department; Nicole Almaguer, Environmental specialist; Davi DeSigh(sp), Rising Sun Energy; Ray Anderson, Albany resident; Beth Pollard, City Manager.

A summary of the comments is as follows: The following announcements were made: 1) National Night Out, August 2, 6-8 p.m. 2) Safety Poluza, July 30, 1-4 p.m. 3) Work Shop for residents on energy efficiency, August 16th, El Cerrito City Hall. 4) Launch of the Albany Green Group, Saturday, July 9, 9-12. 5) Rising Sun Energy, Green House Calls, education by an energy specialist this is a 6-week program beginning July 6th. Thanked the City and the volunteers for the 4th of July Celebration at Memorial Park. An update on Golden Gate Fields property proposal for the Lawrence Berkeley National Laboratory, and upcoming community engagement sessions facilitated by Fern Tiger. It was also noted that a letter and flyer will be sent to all residents outlining the most frequently asked questions and the *Voices to Vision* webpage has been updated with this information.

A summary of the City Council comments are as follows: It was announced that Karen Nelson, a member of the Arts Committee, had passed away suddenly and that a service would be held on August 7th. The agenda order was changed, as follows: Item 8-3 would be handled at the end of the agenda.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

MOTION:

It was moved by Council Member Lieber, seconded by Council Member Thomsen to revisit the Minutes that had previously been approved, as a correction needed to be made.

Motion carried and so ordered.

4-1. Minutes, June 20, 2011

Council Member Lieber made the following correction: Item 7-1 Waterfront Planning Contract: The vote should be recorded as follows: Council Member Lieber recused himself from the discussion.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Lieber to approve the minutes with the above correction.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

7-1. Waste Management of Alameda County Franchise Negotiations

The Environmental Specialist reported that at the last meeting Council asked staff to come back with information on comparable franchise agreements throughout the region. After reviewing the information the City is currently receiving comparable services to other jurisdictions within the County. It was noted that the rates are proposed to go from \$25 per household to \$35 per household.

David Tucker, Waste Management of Alameda County (WMAC) addressed the Council noting that increase is due to rising costs of fuel and labor costs, the length of time since the last increase, and that the Company is asking for a fair rate of return and to continue working with the City to provide a sustainable partnership.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Clay Larson, Albany resident; Speaker, Albany resident.

A summary of the comments is as follows: A question was asked about the consultant's fee if a competitive bid process was implemented. The Environmental Specialist responded that the amount of \$45-65,000 is estimated and the consultant would assist the City through the process including negotiating with the bid winner and drafting all necessary documents.

Council comments are as follows: It was asked if WMAC would negotiate tonight the issue of paying for a recycling coordinator. Bob Angel, WMAC, responded that typically they don't negotiate at the podium; however, this issue could be looked at seriously. Some members of the Council believed that this was poor business policy and

7-1. Waste Management of Alameda County Franchise Negotiations

would prefer that the City had control over this position. It was clarified that the funds would go to the City who would hire the position. It was stated that Albany has a zero waste goal and noted that would like WMAC to provide business compactors and to include two pickup times, 1) a citywide date and 2) the individual homeowner/business could pick a day of their choice. It was noted that the increase appears to be the going rate and appear reasonable. There was disagreement on the increase noting that it was a large increase.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to direct staff to continue negotiations with WMAC on the City's franchise fee.

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

NOES: Council Member Thomsen ABSENT: None

Motion carried and so ordered.

The City Manager asked Council if they would like to discuss the optional services, which is outlined the staff report. Council Member Lieber stated that he would like to see the battery collection and taller fluorescent light bulbs. Council Member Wile offered to work with staff and coordinate with StopWaste.org. Council agreed.

7-2. City Branding Project

The Assistant City Manager reported in the spring of 2011, the City hired Arnett Muldrow & Associates to implement an intensive three-day branding project. The "reveal" presentation took place on May 5 and include font, motto, colors and tagline. Staff is recommending that Resolution No. 2011-38 be approved, which adopts the motto "Urban Village by the Bay.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Brian Phipps, Albany resident; Clay Larson, Albany resident.

A summary of the comments is as follows: Spoke on the proposed motto noting that Council is voting on a promise of what Albany will be like in the future and stated that the following questions should be asked: What is the identity, what will it do and how will it achieve the City objectives. It was felt that the term that was being proposed for the motto was not the best.

Council comments are as follows: Disagreed with the speaker that the vote to approve the motto would tie the hands of the City. This motto can be tried and if it doesn't work it can be changed. It was noted that anything was better than the current motto.

Council Member Wile presented Resolution No. 2011-38 – A Resolution of the Albany City Council Adopting a New City Motto.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Wile and seconded by Council Member Atkinson to approve Resolution No. 2011-38.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS**8-1. Speed Hump Installation Carmel Avenue and Ordway Street**

The Planning Manager reported that in 2010 residents of the 900 block of Carmel approached the Traffic & Safety Commission with a request for a speed hump due to speeding on this block. A traffic survey was taken and showed that there is consistent speeding.

In May, 2011 the T&S Commission recommended installation of two speed humps and the residents of Carmel Avenue whose homes will be adjacent to the new speed humps have all consented to the locations which were also selected based on the Speed Hump Policy.

In 2000, Council approved the Traffic Management Plan (TMP), which recommended speed treatments on select residential streets, including the 950 Block of Ordway and the 800 block of Carmel. In September, 2001 Council approved Resolution No. 01-65 establishing prioritization of Neighborhood Traffic Calming Measures and it supported acquisition of two portable speed humps and prioritized the subject blocks, follows: Ordway (Marin to Sonoma) speed humps at 956 and 974 and Carmel (Solano to Washington) speed hump.

The T&S Commission in 2011 held a meeting to consider the installation of speed humps on the 900 block of Carmel, the 950 block of Ordway and the 800 block of Carmel. Notices were sent to each household within these blocks and a recommendation was made that Council approve the installation of two speed humps in the 900 block of Carmel; however, found that the 800 block of Carmel did not meet the current criteria.

The T&S Commission discussed the 950 block of Ordway but inadvertently failed to take action on the recommendation of installation of two speed humps for that area. Since then, a new petition has been received showing at least 67% of the households support the project and City staff has identified suitable locations for two speed humps.

Staff noted that at this time current speed survey findings do not warrant any speed treatment in the 800 block of Carmel; however, based on prior Council action on a temporary hump and the neighborhood's experience with the single temporary speed hump, it is recommended that the installation of one (1) permanent speed hump be placed in this block.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Speaker, Albany resident; Walt Paladini, Albany resident; Debra Branning, Albany resident; Anthony O'Connell, Albany resident; Joy Kecke, Albany resident; Craig Haynier, Albany resident; Holly Baring, Albany resident; Ray Anderson, T&S Commissioner; Ken McCroskey, Chair T&S Commission; Ann Nut, Albany resident; Nancy Sutherland, Albany resident; Richard Hall, Albany resident; Jeri Holan, Albany resident.

A summary of the comments is as follows: Many speakers spoke in favor of the speed humps noting that there is excessive speeding on the streets and stated this is a

8-1. Speed Hump Installation Carmel Avenue and Ordway Street

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safety issue. Many speakers also noted that Dominos Pizza delivery trucks are consistently speeding. A concern was raised that the notice sent out described the meeting as information only. Two speakers noted that they were against the speed humps and asked that if Council approves please do not put the humps in front of their house.

The T&S Commissioners spoke about previous actions noting that safety is the #1 concern of the Commission. It was noted that the Commission is looking at speed and safety issues throughout the City.

A summary of the Council comments is as follows: Asked that the City not be made car friendly and would like to see speed humps on Marin Avenue. It was noted that fairness to every resident in Albany is important and would like to see every street eligible for traffic calming measures.

Mayor Javandel asked the motion be divided into two parts.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Atkinson to approve two speed humps on the 900 block of Carmel and the 950 block of Ordway and that the speed humps are not to be placed in front of home if the homeowner does not want it there.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Atkinson to approve one (1) speed hump in the 800 block of Carmel Avenue.

AYES: Council Members Atkinson, Lieber, Thomsen & Wile

NOES: Mayor Javandel

ABSENT: None

Motion carried and so ordered.

8-2. Progress Report on 2010-12 City Council Objectives

The City Manager presented a progress report on the Council 2010-12 objectives and asked that Council provide new direction, if any, on changes in priorities for the 2011-12 fiscal year.

A summary of the Council comments is as follows: A question was raised about the personal cameras to be worn by Police Officers. The Police Chief responded that this option is cheaper than video cameras on police vehicles and noted that the personal camera will at least capture 50% of what is happening. A suggestion was made to use Police Officers on bicycles and the Police Chief responded that the Department does have bicycles and they are used when appropriate. The Police Chief noted that all police vehicles are being outfitted with bicycle racks. Another suggestion was made to have a task force on fiscal issues. Another suggestion was to immediately prioritize the implementation of an ordinance regarding self closing doors in apartments.

The City Manager noted that if the Council directs staff to establish a fiscal task force, that it be made very clear the charge and the composition.

8-4. Presentation on StopWaste.Org Meetings

Council Member Wile reported that she is the City's representative on the Waste Management Authority, which meets twice a month and is dedicated to waste reduction and recycling. The County goal is zero waste and went over the various issues that are under discussion.

Council Member Wile noted that this is a very active group and does a lot of good for the entire County.

8-5. League of California Cities Annual Conference Delegate

The City Manager reported that each year the League of California Cities holds an annual conference and each member City must appoint one voting delegate with up to two alternates. The conference this year is being held in San Francisco, September 21-23.

Council Member Thomsen volunteered to be the voting delegate and Council Member Atkinson volunteered to be the delegate.

Council agreed to the above appointments.

8-3. Future Fiscal Planning

The City Manager noted that around the room are various sheets of paper with ideas from the Community and staff on ways to plan for the City's future fiscal health. Each Council Member has been given colored stickers for either yes, maybe or no that are to be placed on each suggestion.

Discussion was held on the establishment of a fiscal task force and the consensus was to not implement a fiscal task force at this time. It was noted by Council Member Atkinson that there are many people in the community that would like to have the opportunity to work on the City's fiscal health.

After Council made their priorities, the City Manager stated that staff would prepare a report on the priorities and come back to Council in September.

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

The following announcements were made by the Council: Council Member Lieber: Attended the ACAP meeting and noted that a lawsuit has been filed by the former Executive Director. Council Member Atkinson: Attended the 4th of July celebrations and worked in the Prevention Council booth. Mayor Javandel: Attended the 4th of July celebration and thanked staff for putting on a great event.


10. ADJOURNMENT

10:30 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting with a moment of silence in memory of Spc.

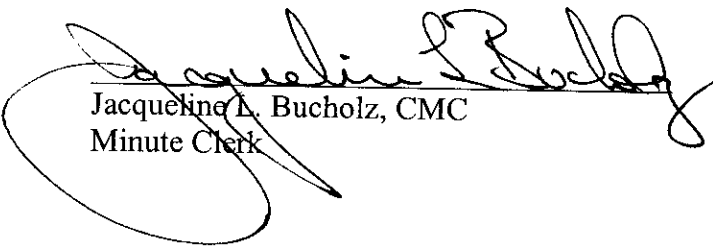
10. ADJOURNMENT

Kevin J. Hilaman, of Albany, who died on June 26 while serving in the U.S. Army in Afghanistan.

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


Farid Javandel
Mayor

Attest:


Jacqueline L. Bucholz, CMC
Minute Clerk