

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,
JOINT MEETING OF THE CITY COUNCIL
AND THE JOINT POWERS AUTHORITY (JPA)
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, JUNE 6, 2011**

6:30 p.m. - WORK SESSION

The City Council and Parks and Recreation Commission met in a joint work session to discuss the vegetation management challenges on Albany Hill and the scope of the proposed update and refinement of the Albany Hill Creekside Master Plan. This work session preceded the agenda item under Unfinished Business on awarding a contract for services to assist the City in working with the community to create an updated long-term vegetation management plan for Albany Hill.

7:30 p.m. - COUNCIL MEETING

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

ROLL CALL

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

*Also sitting as the Municipal Services Authority JPA Board of Directors.

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Randy Leptien, Contract City Engineer; Kim Denton, City Treasurer; Aaron Walker, Human Resource Manager; Penelope Leach, Recreation & Community Services Director; Tony Wolcott, Urban Forester; Jeff Bond, Planning Manager; Nicole Almaguer, Environmental Resource Associate.

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

4. PRESENTATION/PUBLIC HEARING

- 4-1.** Presentations from Fire Chief Tubbs on Information Distribution in an Emergency and Disaster Preparedness Information for the Community.

The Fire Chief noted that there is a plan in place at the State level to share information with the Regions within California. The Regions would then share the information with the Alameda County Office of Emergency Services (OES), who in turn would pass along that information to each City and Special District.

The Fire Chief gave a power point presentation on disasters stating that it begins with the individual who must be prepared. The Fire Chief listed tips on becoming prepared.

The following person asked a question, Sydney Madson, asking if the City had an Evacuation Plan in place.

No action, information only.

5. 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.)

- 5-1.** Minutes, May 16, 2011.

Staff recommendation: Approve

- 5-2.** a. Ratification of City of Albany net payroll in the amount of \$187,328.65 ; taxes, benefits & withholdings in the amount of \$252,038.42. Total payroll in the amount of \$439,367.07. Payroll period: 5/20/2011

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$51,793.04; taxes, benefits & withholdings in the amount of \$ 57,353.11. Total payroll in the amount of \$ 109,146.15. Payroll period: 5/20/2011

c. Ratification of APOA Retro Active Payment in the amount of \$139,687.54; taxes, benefits & withholdings in the amount of \$110,453.49. Total payroll in the amount of \$250,141.03. Period: 5/27/2011

Staff recommendation: Ratify.

- 5-3.** Ratification of bills, claims and demands against:

5. CONSENT CALENDAR

- a) City of Albany in the amount of: \$416,728.92, 5/31/11.
- b) Joint Powers Authority (JPA) in the amount of: \$54.00, 5/13/11.

Staff recommendation: Ratify

5-4. Solano Avenue Farmers Market Business License Tax

Staff recommendation: That the City Council determine that the annual season of the weekly Solano Avenue farmers market be characterized as a single event for purposes of business license tax.

5-5. A rendering of the quarterly Cash and Investment Treasury Report of the City of Albany as of March 31, 2011, as required by Section 53646 of the California Government Code.

Staff recommendation: Note and File – for information only

5-6. Appointment of Alternates to the Board of Police & Fire Pension Fund Commissioners

Staff recommendation: Confirm the appointments of Beth Pollard as the City Treasurer's Alternate, and Charles A. Adams as the City Clerk's Alternate to the Board of Police & Fire Pension Fund Commissioners.

5-7. Resolution No. 2011-27, A Resolution of the Albany City Council Re-Delegating Investment Authority to the City Treasurer and Adopting the Investment Policy for the City of Albany

Staff recommendation: Adopt Resolution No. 2011-27.

5-8. Request for Temporary Street Closure around Memorial Park for the Sunday, July 17, 2011 for Berkeley Bicycle Club Criterium (Races)

Staff recommendation: Approve request by Berkeley Bicycle Club to close off the streets immediately around Memorial Park (and Albany High School) on Sunday, July 17, 2011 from 6:30 a.m. to 5:00 p.m. for their annual bike races.

5-9. Ordinance #2011-02 to amend the contract between the City of Albany and the California Public Employees' Retirement System to allow for the "Employee Sharing Cost of Additional Benefits" provision (§20516) for local Police Safety members

Staff recommendation: Approve Ordinance #2011-02, – Second Reading - Pass to print.

5. CONSENT CALENDAR

5-10. Employment Agreement with Robert Zweben for City Attorney services through the end of 2011

Staff recommendation: That Council authorize the City Manager to execute an employment agreement with Robert Zweben to provide City Attorney services from June 27, 2011 to December 31, 2011.

Mayor Javandel asked if anyone would like to remove an item and the following items were removed for discussion: Item 5-1 & 5-10.

5-1. Minutes

Council Member Thomsen asked that the May 16th minutes be corrected, as follows: Page 2 & 3, change Mayor Atkinson to Council Member Atkinson.

5-10. City Attorney Contract

Council Member Thomsen noted that the contract on the agenda for City Attorney services through the end of 2011 is very favorable to the City and thanked the City Attorney.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to approve the Consent Calendar with the correction to the minutes.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6. 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.

The following people spoke: Sydney Madson, Albany resident; Ray Anderson, Albany resident; Friends of Five Creeks.

A summary of the comments is as follows: Spoke about chemical trails in the sky and requested the City to investigate with the EPA and other Federal agencies. Expressed concern about the inactions of safety personnel in Alameda in allowing a man to drown and hoped this would never happen in Albany. Spoke about the activities around Codornices Creek and the work party that occurred on May 28th with the rock group, Green Day. Congratulations were given to Boy Scout Troop 19, Eagle Scout project, in the work that was done at Creekside Park. Spoke about the annual walk around Codornices Creek.

6. **GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**

City Council members noted that they all had spoken with officials from Golden Gate Fields about the proposed project by Lawrence Berkeley Lab (except Council Member Lieber, who noted he would not be participating in discussions, as his wife works for the Lab).

The following meetings were noted: Council Member Thomsen, East Bay League of California Cities. It was also noted that congratulations be given to the Community Media Committee for the first Albany Film Festival.

The City Manager noted that a meeting has been scheduled for August 3rd, at 7:30 at the Community Center to discuss the plans for the Lawrence Lab at Golden Gate Fields.

7. **UNFINISHED BUSINESS**

7-1. **Contract for Updating the Long-Term Vegetation Management Plan for Albany Hill.**

The Recreation & Community Services Director reported that the Albany Hill Creekside Master Plan was developed 20 years ago and although many elements of the plan are still valid and useful today, staff recommends updating at least portions of the plan to better direct staff in prioritizing resources and to answer the question "What does the community want Albany Hill to look like in 20 years".

Council approved up to \$50,000 to update the Albany Hill Creekside Master Plan so that consultant(s) could be hired to work with the community, staff and the Parks & Recreation Commission. The recommended consultant submitted a proposal for \$49,950, which includes a \$4,250 contingency.

The Parks & Recreation Commission has recommended contracting with Cheryl Miller and Associates for updating the long-term vegetation management plan for Albany Hill.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Sydney Madson, Albany resident; Doug Donaldson, Albany resident; Carol FitzGerald, Albany resident.

A summary of the comments is as follows: Urged the Council to make sure that the IPM Policy was adhered to and also spoke about living on stolen land – Ohlone People. Urged the Council to approve the recommendation by the Parks & Recreation Commission and stated that it will give the necessary guidance needed for the next step. Agreed with the recommendation and noted that it is time for the City to put money into Albany Hill.

A summary of the Council comments is as follows: Expressed mixed feelings but noted did not want the plan without follow through and to make sure that something happens. Believe that the 1991 Plan was a good one and need to make sure that there is not just concentration on vegetation management but that it includes the whole picture for the future. It was suggested that a public hearing be scheduled. It was noted that more volunteers need to be involved.

7-1. Contract for Updating the Long-Term Vegetation Management Plan for Albany Hill.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to authorize the City Manager to execute a contract with Cheryl Miller and Associates for updating the long-term vegetations management plan for Albany Hill, not to exceed \$50,000.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

7-2. Dartmouth Tot Lot

The Recreation & Community Services Director reported that the Parks & Recreation Commission recommended to Council plans for the installation of rubber resurfacing at the Dartmouth Tot Lot on Marc 3rd. The City Council approved the recommendation on March 21st.

In April, neighbors of the Park contacted the City expressing concern about the amount of sand that would be removed given the newly approved design. In May, staff placed an item on the Parks & Recreation Commission agenda to discuss the original design and an alternative with the community. The Commission voted unanimously to implement the original design due to concerns raised by the City's Risk Manager.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Gary Class, Parks & Recreation Chair; Two children; Dave Glasser, Albany resident; Margaret McKnight, Albany resident; John Kindle, Parks & Recreation Commission; Susan Silver, Berkeley resident; John McKnight, Albany resident; Eddie So, Albany resident; Caryl O'Keefe, Albany resident; Peggy McQuaid, Albany resident; Cherie ?, Albany resident.

A summary of the comments is as follows: Urged the Council to carefully consider the recommendation made by the Parks & Recreation Commission. Spoke in favor of keeping the existing amount of sand at the park. Expressed concern and disappointment regarding the exclusion of disabled people using the park; however, applauded the Council's work for continuing to make the parks accessible to everyone. Concern was expressed about the lack of public notification. It was noted that sand needs to be replaced every couple of years and noted that the park is designed for toddlers. Support was given for Option #2 noting that this option includes everyone. It was noted that a true study had not been completed on this park. It was noted that Option 2 appears to save the City money. Spoke to the legal liability, as addressed by the City's Risk Manager and agreed that all areas should be more ADA compliant.

A summary of City Council comments is as follows: Thanked the Parks and Recreation Commission for a job well done. It was noted that the public should be an integral part of the process. Believes that the notification to the public was adequate and that the parks should be available to everyone. Spoke about health issues with the sand and animals using it, as well as children playing in it. Thanked everyone for their

7-2. Dartmouth Tot Lot

participation in this issue. Believes that there was not a lack of process and noted that the park must be ADA compliant.

MOTION:

Moved by Council Member Wile, seconded by Council Member Lieber to affirm the Council's prior decision.

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

NOES: Council Member Atkinson

ABSENT: None

Motion carried and so ordered.

7-3. 2010-2011 Community Greening & Sustainability Initiatives

A presentation by Erica Petrofsky and Claire Griffing, Americorps Interns. The Interns went over the programs they had implemented in the Albany schools including recycling bins at the schools, classroom lessons, recycling signage. Green Team – climate changes, alternative transportation; Earth month and Earth Day fair; replacing lawn with a garden, waste/fuel conservation. It was also noted that a \$500 grant from the PTA and local businesses was obtained.

A summary of the City Council comments: Thanked the Interns for their hard work and would like to see a presentation at the School Board meeting, and to work with Stopwaste.Org to continue this program. It was noted that the work done by the Interns is very impressive.

Mayor Javandel asked if the public would like to speak and the following people spoke: Allan Maris, Board of Education; Peggy McQuaid, Albany resident; Emilie, Albany Patch.

A summary of the comments is as follows: Agreed that the Interns should provide a presentation to the School Board. It was noted that the Art & Green Fair, Kids Zone, was great and commended the Interns for their work.

No action needed, information only.

7-4. Waste Management of Alameda County Franchise Negotiations

The Environmental Specialist reported that in October, 2010, the City Council authorized staff to request the available franchise extension and begin negotiations to develop a new franchise agreement with Waste Management of Alameda County (WMAC). Staff requested the extension of the current contract, effective May 1, 2011 to April 30, 2012.

The proposal received by WMAC includes a base rate increase of 45%. The rate would cover the existing services provided by WMAC and also include new alternative fuel vehicles, residential curbside collection of cell phones, compact fluorescent bulbs and household batteries, public education, two compost give-away events, and free roll-off hauls for City cleanups. Additionally, the proposal includes optional services of funding for a sustainability coordinator staff position, solar trash compactors/recycling containers for the commercial area and collection of compact fluorescent bulbs/household

7-4. Waste Management of Alameda County Franchise Negotiations

batteries for multi-family units. Each of the optional services would result in a rate increase above the base rate increase of 45%.

Mr. Rick Hutchins, consultant, spoke to the Council about the contract and the various issues that result in the 45% increase.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Eddy So, Albany resident; Sydney Madson, Albany resident; Ed Fields, Albany resident; Greg ?, Albany resident; David Tucker, WMAC.

A summary of the comments is as follows: Expressed concern with WMAC's customer service and urged the Council to take this into consideration. Asked how much of the recyclables is going overseas and stated that other options should be looked at. It was noted that people need to change their habits and to look at composting to reduce the cost of garbage pickup. Urged the Council to go out to bid and expressed concern that the garbage bill is the only one that you have pay for services in advance. WMAC noted that they have zero waste goals and spoke to the Council about the fees they are charged by StopWaste.Org. It was noted that WMAC would be implementing the "bag service" to Albany residents and noted that the 45% is on par with other cities in the area.

A summary of the Council comments is as follows: It was noted that the 45% is a lot and believes that the residents would expect the Council to go out to bid. Asked that staff compile a report on what other cities in the area are paying for the next Council meeting. It was noted that pickup sometimes is very early and starts before the official start time.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber that staff be directed to provide information on what other cities area paying to be available at the next Council meeting.

ON THE QUESTION:

Council Member Wile asked whether StopWaste.Org could help with the research and a representative from StopWaste.Org noted that they could help.

The City Manager stated due to the upcoming agendas, would Council be agreeable to having this information for a July meeting. Council agreed.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Memorial Ball Field Fence and Bullpens

The Recreation & Community Services Director reported that over the years the idea of a fence separating the playing field from a section of grass to the right of right field at Memorial Park has been discussed.

8-1. Memorial Ball Field Fence and Bullpens

Over the years when discussed strong opposition was given. However, several months ago the Albany Unified School District was renovating the Memorial Park ball field, as part of the field switch, a temporary construction fence was installed separating the two sections. Having seen the functionality of a fence in that location, the various users saw firsthand that such a fence could be beneficial for all users.

At the May, 2011 Parks & Recreation Commission meeting, the Commission voted unanimously to recommend to Council the addition of the fence and the bullpens.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Jack Miller, President of Little League; Camilla ?, Albany resident; Paul Kennedy, High School Booster Association; Janet Selzer, Albany resident; Allan Maris, Albany resident; Mayno Ross, Berkeley resident; Nina Wilder, Albany resident.

A summary of the comments is as follows: Appreciate the City and staff's work and support the recommendation. Noted that Albany has a great baseball program and believes that this is a good compromise. Expressed concerns about health issues regarding animals using the park. Believes that this is a good compromise for everyone involved.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to 1) Approve the installation of a fence (in the vicinity of the northeast corner) and bullpens at Memorial Park ball field per the drawing. 2) That pending approval of the fence installation, Council authorize the City Manager to enter into a contract for the fence installation not to exceed \$15,900.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

8-2. SB810 – The California Universal Healthcare Act.

Council Member Atkinson asked that this come before the City Council noting that Council approved this once before but the Act has been amended and would like Council to approve the amendment.

The proposed amendment reflects how the Federal Health Reform law, the Affordable Care Act, would affect the bill and allow for State innovation.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Diane ?, Albany resident; Sydney Madson, Albany resident.

A summary of the comments is as follows: Support the bill and urged Council's endorsement.

Council Member Lieber asked that the letter be addressed to the Governor, with copies to Senator Leno & Hancock and Assembly Person Skinner.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Wile to authorize the Mayor to send a letter endorsing SB810 addressed to Governor Brown with copies to Senator Leno, Hancock and Assembly Person Skinner.

8-2. SB810 – The California Universal Healthcare Act.

VOTE ON THE MOTION

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

NOES: None

ABSTAIN: Council Member Thomsen

ABSENT: None

Motion carried and so ordered.

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

10. JPA NEW BUSINESS

10-1. Appointment of Jeffrey Bond as Community Development Director

The City Manager reported with the impending retirement of the current Community Development director on August 31, 2011, staff is recommending that Jeffrey Bond, Planning Manager, be appointed as the Community Development Director.

Mr. Bond has served as the Planning Manager for the City for the past five years and meets the qualifications for the position of Community Development Director.

Mayor Javandel asked if anyone would like to speak and the following people spoke: Allan Maris, Albany resident; Sydney Madson, Albany resident.

A summary of the comments is as follows: Thanked Ann Chaney for her excellent service and agreed with the recommendation of staff for the replacement. Expressed concern that Mr. Bond is a former UC employee and hoped that his loyalties would be with the people of Albany. Chair Javandel responded that Mr. Bond has definitely shown himself to be on the City's side.

Authority Member Thomsen presented Resolution No. JPA2011-4 – A Resolution of the Albany Municipal Services Joint Authority to Appoint Jeffrey Bond to the Position of Community Development Director.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Authority Member Thomsen and seconded by Authority Member Atkinson to approve Resolution No. JPA2011-4.

AYES: Authority Members Atkinson, Lieber, Thomsen, Wile & Chair Javandel

NOES: None

ABSENT: None

Motion carried and so ordered.

JPA & CITY COUNCIL CLOSED SESSION

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:

Conference with Legal Counsel to discuss pending litigation, pursuant to Government Code Section 54956.9, Franco vs. City of Albany.

City Council/JPA board of Directors to discuss the following:

Labor Negotiations pursuant to Government Code Section 59457.6

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

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

The City Manager reported that on the litigation item: Council gave direction to legal counsel on the handling of the matter. On the Negotiation item: Council gave direction to staff.

12. ADJOURNMENT

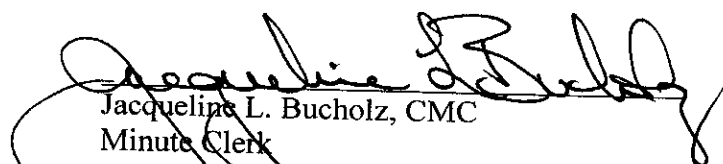
11:20 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

10. ADJOURNMENT

Minutes submitted by Jacqueline L. Bucholz, Minute Clerk.


Farid Javandel
Mayor

Attest:


Jacqueline L. Bucholz, CMC
Minute Clerk