

Date Approved: September 19, 2011

NOTE: These minutes are subject to Council approval and are not verbatim; however, recordings are available for public review.

**MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, SEPTEMBER 6, 2011**

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 Manager; Robert Zweben, City Attorney; Anne Hsu, Minute Clerk; Jeff Bond, Community Development Director; Nicole Almaguer, Environmental Specialist; Aleida Andrino-Chavez, Transportation Planner; Charlie Adams, Finance & Administrative Director.

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, July 18, 2011

Staff recommendation: Approve

- 4-2. a. Ratification of City of Albany net payroll in the amount of \$ 209,691.25; taxes, benefits & withholdings in the amount of \$270,237.49. Total payroll in the amount of \$ 479,928.74. Payroll period: 7/15/2011
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$49,327.06; taxes, benefits & withholdings in the amount of \$ 55,730.49. Total payroll in the amount of \$ 105,057.55. Payroll period: 7/15/2011
- c. Ratification of City of Albany net payroll in the amount of \$ 206,788.41; taxes, benefits & withholdings in the amount of \$172,199.66. Total payroll in the amount of \$ 378,988.07. Payroll period: 7/29/2011
- d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$ 48,253.51; taxes, benefits & withholdings in the amount of \$ 36,473.37. Total payroll in the amount of \$ 84,726.88. Payroll period: 7/29/2011
- e. Ratification of City of Albany net payroll in the amount of \$ 204,142.08; taxes, benefits & withholdings in the amount of \$ 175,321.57. Total payroll in the amount of \$ 379,463.65. Payroll period: 8/12/2011
- f. Ratification of Albany Municipal Services JPA net payroll in the amount of \$ 48,918.25; taxes, benefits & withholdings in the amount of \$ 38,014.43. Total payroll in the amount of \$ 86,932.68. Payroll period: 8/12/2011
- g. Ratification of City of Albany net payroll in the amount of \$ 190,532.05; taxes, benefits & withholdings in the amount of \$ 266,994.93. Total payroll in the amount of \$ 457,526.98. Payroll period: 8/26/2011
- h. Ratification of Albany Municipal Services JPA net payroll in the amount of \$ 46,872.34; taxes, benefits & withholdings in the amount of \$ 57,440.85. Total payroll in the amount of \$ 104,313.19. Payroll period: 8/12/2011

Staff recommendation: Ratify.

- 4-3. Ratification of Police & Fire Pension Plan payments in the amount of \$118,643.21 for the month of July, 2011.

Staff recommendation: Ratify.

- 4-4. Council Member Thomsen Appointment: Doug Donaldson to the Arts Committee.

Staff recommendation: Information only

- 4-5.** Appeal of the Planning & Zoning Commission's Decision to Deny the Application for Design Review & Conditional Use Permit for a Wireless Antenna at 423 San Pablo Avenue, Albany

Staff recommendation: Continue for public hearing, September 19, 2011.

Mayor Javandel asked if anyone would like to remove an item and the following items were removed for discussion: Item 4-1 & Item 4-5.

4-1. Minutes, July 18, 2011

Council Member Thompson asked that this item should be a separate motion from the rest of the consent calendar item due to her absence of that meeting.

4-5. Appeal of the Planning & Zoning Commission's Decision to Deny the Application for Design Review & Conditional Use Permit for a Wireless Antenna at 423 San Pablo Avenue, Albany – Continue to September 19, 2011.

Nan Wishner, Albany resident, wished to speak about the history of the application leading up to this point. Attorney Zweben stated he was uncomfortable that information would be presented presumably of the merits concerning the issue and the applicant doesn't have the benefit of hearing. It may be inappropriate for the City Council to hear the comments on this item to continue the matter.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Atkinson to approve Item 4-1 as submitted.

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

NOES: None ABSENT: None

ABSTAIN: Council Member Thomsen

Motion carried and so ordered.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to approve the rest of the Consent Calendar, as submitted with the exception of Item 4-1.

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:

Ray Anderson, Lion's Club; Norman LaForce, Sierra Club; Rita Fang, Albany High student; Robert Cheasty, Citizens of East Shore Parks; Beth Pollard, City Manager.

A summary of the comments is as follows: The following announcements were made: 1) Solano Avenue Restaurant Walk, October 4, 6-9 PM. 2) Solano Stroll this Sunday, September 11. 3) Stronach Development is a massive one, LBNL is just a portion of the development. Stronach group is a new company in bad financial shape, the City should ask for performance bond. The waterfront should be used for Parks & open space. Developments should be put off of the Waterfront. 4) Damaged sidewalk on Thousand Oaks Avenue needs to be repaired.

The following announcements were made by the City Manager: 1) The Buchanan/Jackson signal project was finished on time, the day before school started. 2) Project on Pierce Street, repaving and bike path, has started. 3) The property purchased as Pierce Street Park was made to good use by using it as staging area for the construction project. 4) The first Albany Relay for Life raised more than \$40,000 for the American Cancer Society and the City of Albany employees' team raised more than \$6,000 of that.

Council Member Thomsen commented that it was former Mayor Thelma Reuben's ninetieth birthday. And also she would like to acknowledge the services of Ann Chaney, who recently retired as Community Development Director.

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

8. NEW BUSINESS

8-1. Cooperative Agreement with interested cities to jointly solicit proposals for the procurement of municipal solar power

Environmental Specialist, Nicole Almaguer, delivered the staff report. The City staff has been working collaboratively with City of El Cerrito, San Pablo and Piedmont on items concerning greenhouse gas emission and how to reduce the emission on regional opportunities. And one of the major projects within this partnership is to pursue renewable energy at City facilities. The next step would be to approve the Cooperative Agreement and turn to the process of executing this project with City of El Cerrito leading to issue the RFP. City staff would hope to return with the outcome and a recommendation by December or January and the installation to happen in spring or summer of 2012. This helps to satisfy the Climate Action Plan Measure BE1.1.

Council Member Wile commented that Nicole does a great job working with other cities especially around energy savings.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Wile to approve Resolution No. 2011-42 adopt a resolution authorizing the City Manager to enter into a Cooperative Agreement with the cities of El Cerrito, Piedmont, and San Pablo for the purpose of jointly soliciting proposals for the procurement of municipal solar power.

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

NOES: None ABSENT: None

Motion carried and so ordered.

8-2. Contract amendment between the City of Albany and the California Public Employees' Retirement System to provide the "Different Level of Benefits" provision (§20475) for local miscellaneous members

City Manager delivered the staff report. Proposal is to lower pension rate for new hires in the miscellaneous employee unit. This was previously negotiated and agreed by members of SEIU going from the 2.5%@55 to the 2%@60 program. This will save the City funds going forward in hiring new employees.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen to approve Resolution #2011-43, a resolution of intention to approve an amendment to the contract between the City Council of the City of Albany and the Board of Administration of the California Public Employees' Retirement System, to provide a lower, second-tier of benefits for new miscellaneous, non-safety employees.

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

NOES: None ABSENT: None

Motion carried and so ordered

8-3. Draft Albany Active Transportation Plan

Mayor Javandel commented that an issue was brought up prior to the meeting that because the plan includes projects broadly spread throughout the City, each council member is within 500 feet of one or more of the potential projects. Since the entire Council cannot be recused, the options are 1) postpone this item and seek guidance with FPPC (Fair Political Practices Commission) to whether this constitute a general good of the City, thus no one needs to be recused, or 2) draw straws to select a quorum to participate. Since the City staff and consultants are present, three council members will be picked to participate and proceed with discussion, take action as appropriate. FPPC will be consulted with subsequently and if it's determined that all are eligible to participate, then the Council will come back for a ratification vote by the full Council.

Mayor Javandel, Council Member Thomsen, and Council Member Wile were selected by a random draw to participate. Council Member Atkinson and Council Member Lieber will recuse themselves.

Transportation Planner, Aleida Andrino-Chavez delivered the staff report. This draft Plan is presented to City Council based on Traffic & Safety Commission's recommendation to approve. The City received grant from formally ACTIA two years ago to conduct the first Pedestrian Master Plan and to update the existing Bicycle Master Plan. The process consists of extensive public meetings including two public workshops (one educational and one for residents to express concern). As a result of this process, twenty-seven bicycle/pedestrian projects were developed. The next step is to conduct environmental reviews. These twenty-seven projects currently have no funding and need to seek for funding.

Consultant Meghan Mitman and Matthew Ridgeway from Fehr and Peers presented the Albany Active Transportation Plan. This draft plan is setting skeleton networks and prioritizing bike ways. The projects will be divided to five tiers with 0 – project underway, 1 - highest priorities, 2 - mid-term priorities, 3&4 – long term

priorities. The next steps are to make Albany second only to San Francisco as the most walk friendly community.

The following people spoke: Maureen Crowley, Albany resident; Susan Schwartz, Friends of Five Creeks; Clay Larson, Albany resident; Ken McCrosky, Traffic & Safety Commission Chair; Angela, resident and member of Albany Strollers & Rollers; Ed Fields, Albany resident.

A summary of the comments is as follows: Concerns about proposals for Kains, Adams and Key Route that need further analysis. This is not a perfect plan, it is a work in progress plan and should be part of an on-going process.

Mayor Javandel commented that the need to pursued funding for the plan. The plan is not happening today but to provide some money for being able to look for more grant funding.

Council Member Thomsen commended Commission, staff and consultant and public outreach. There are definitely areas that need further studying. This is a fine start.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen to approve Traffic and Safety Commission recommendation to adopt the Draft Albany Active Transportation Plan (ATP) as a project description to conduct environmental work.

AYES: Council Members Thomsen, Wile & Mayor Javandel

NOES: None ABSENT: None

RECUSE: Council Member Atkinson, Lieber

Motion carried and so ordered.

8-4. Ordinance No. 2011-03, an Ordinance of the City Council of the City of Albany enacted pursuant to Health and Safety Code Section 34193 to elect and implement participation by the City of Albany and the Albany Community Reinvestment Agency in the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of the California Community Redevelopment Law (ABx1 27, the Voluntary Program Act).

Mayor Javandel and Council Member Thomsen both recused themselves from this item. Vice Mayor Atkinson will chair this item.

City Manager delivered the staff report. This item is the result of the State of California informing Reinvestment Agencies either to opt-in their voluntary program to the new rules or to go out of business. The advantages and disadvantages of dissolving versus recommending to Council to opt-in was evaluated at staff level. For Albany, there appear to be sufficient revenue to make it worthwhile to continue Reinvestment Agencies under the opt-in language of the State Legislature. At the same time, there is litigation challenging the action of the State of California. The Supreme Court will review this case tentatively in January 2012. Currently, the legal recommendation is to comply with the States opt-in program and requirement by recommending to adopt an ordinance by October 1. To stay in the program, Albany will need to make the payment of approximately \$187,000 this year, \$45,000 next year, and projected similar amounts after. The City would be optimistic that the Supreme Court will make its decision in January 2012 and the City would not have to make the payment.

Vice Mayor Atkinson asked the reasons of why it would be good to stay in. City Manager stated that if Albany dissolves the Reinvestment Agency, future revenues and local control are at risk or lost.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to waive reading and introduce Ordinance No. 2011-03 to "Opt-In" to an Alternative Voluntary Redevelopment Program under ABx1 27, the Voluntary Program Act, to maintain the operations of the Albany Community Reinvestment Agency (RDA).

AYES: Council Members Lieber, Wile & Vice Mayor Atkinson

NOES: None ABSENT: None

RECUSE: Council Member Thomsen, Mayor Javandel

Motion carried and so ordered.

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

(Council and staff announcements: Council Member reports on State, regional and local boards, commissions and committees to which they are appointed by the City Council; Council Member announcement of requests for future agenda items. No public comment will be taken on announcement of future agenda items).

9.1 Mayor Javandel agenda item for meeting of September 19, 2011 - City Council referral to Charter Review Committee to review alternatives for methods of election for members of the Albany City Council and Board of Education.

Mayor Javandel announced that the Charter Review Committee's intent to look at methods of election in the City of Albany, and he is placing an item on the next Council agenda to provide guidance. Solano Stroll is coming up on Sunday, September 11. Mayor Javandel and City Manager met with Lawrence Berkeley National Laboratory Director today. It was an informal communication as to the Director's interest and vision for the potential lab facility and shared concerns raised from conversations with citizens of Albany for the facility. There may be prospects for future meetings.

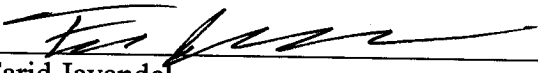
Council Member Lieber announcements: Attended Ann Chaney's retirement reception. Thanked her for her services. Council Member Wile was elected as President of the Board of Directors of Stopwaste.org and the Recycling Committee. She is the first person in Albany to be elected as President.

Council Member Atkinson announcements: Coastal Clean Up is on Saturday, September 17. Day of Action – Moving Planet for 350.org is on September 24.

10. ADJOURNMENT


9:20 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Anne Hsu, Minute Clerk.



Farid Javandel
Mayor

Attest:



Anne Hsu
Minute Clerk