

CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MARCH 5, 2012

7:30 p.m.

CALL TO ORDER

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date.

1. PLEDGE OF ALLEGIANCE

Mayor Javandel lead the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel

Absent: None

Staff Present: Beth Pollard, City Manager; Craig Labadie, City Attorney; Anne Hsu, Deputy City Clerk; Penelope Leach, Assistant City Manager/Community Services Director; Jeff Bond, Community Development Director.

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

None.

4. CONSENT CALENDAR

4-1. Minutes, February 21, 2012

Staff recommendation: Approve

4-2. Ratification of Police & Fire Pension Plan payments in the amount of \$118,697.48 for the month of February, 2012.

Staff recommendation: Ratify.

4-3. Claim #AL659 – Eden v City of Albany

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

- 4-4. Resolution No. 2012-13 Authorizing the City Manager to Execute the Alameda County Transportation Commission (Alameda CTC) Master Programs Funding Agreement.

Staff recommendation: Approve Resolution No. 2012-13 authorizing the City Manager to execute the Alameda County Transportation Commission Master Programs Funding Agreement.

- 4-5. 2012-2013 Community Development Block Grant (CDBG) City-County Agreement

Staff recommendation: That the City Council approve the use of FY2012-13 Community Development Block Grant (CDBG) funds, projected to be in the amount of \$73,088 (\$66,488 + \$6,600) jurisdictional improvements + \$6,600 general administration, for the following projects:

- Meals on Wheels program - \$16,000
- Congregate Senior Meal program - \$3,000 (new CDBG program)
- Alameda County HMIS (Homeless Management Information System) - \$1,473
- Curb Ramps (Citywide) - \$47,615

Mayor Javandel asked if anyone would like to remove an item. Item 4-5 was pulled for discussion by Vice Mayor Atkinson. Vice Mayor Atkinson asked how the Senior Center is progressing with construction. Penelope Leach, Assistant City Manager/Community Services Director reported that the project has been delayed, but will be complete by March 26.

Council Member Lieber asked how the funding was allocated to the particular programs. Community Development Director Jeff Bond reported that there are funding limitations and the funds need to be directed towards particular projects – communities of low income including senior community, and programs targeted at capital improvements.

MOTION:

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

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Javandel opened the Good of the City/Public Forum/Announcements and the following people spoke: Allen Cain Solano Ave Assn., Clay Larson, Peggy McQuaid, Caryl O'Keefe, Franchesco Papalia, Emilie Raguso.

A summary of the comments is as follows: Appreciation for maintenance along Solano Avenue, concern regarding potential rescheduling of Planning and Zoning Commission meetings, concerns regarding voting survey, proposed site for AT&T at 1035 San Pablo – staff has recommended approval three times and it has not happened over the course of several years. The code issues need to be addressed.

Community Development Director Jeff Bond provided brief status report on UC Village. The development agreement and refinements to planned unit development for the project are underway. Staff is working with UC to prepare documents and intend an initial overview with the Planning and Zoning Commission on March 27. The item should come to Council in May.

City Manager Beth Pollard noted the CERT disaster preparation class starts on May 1.

Council Member Wile announced that Stopwaste.Org has found Albany has the highest waste diversion rate at 83%.

Council Member Thomsen expressed appreciation for the recent Film Fest, and congratulated Peggy McQuaid on her being a recipient of special honor from Assemblywoman Nancy Skinner's office. Bud Fletcher, long time volunteer, is celebrating his 90th birthday.

Vice Mayor Atkinson expressed appreciation for the Film Fest.

Council Member Lieber announced his son will serve as an intern to Nancy Skinner.

Mayor Javandel acknowledged City Manager Pollard on her 11th anniversary with the City of Albany.

6. PRESENTATION/PUBLIC HEARING**6-1. Proclamations supporting:**

- a. American Red Cross Month
- b. 100th Anniversary of Girl Scouts of the USA

Proclamations were read and provided to representatives of the organizations.

7. UNFINISHED BUSINESS**7-1. 2012 Albany Hill Creekside Master Plan**

Staff recommendation: That Council approve Resolution No. 2012-14 adopting the 2012 Albany Hill Creekside Master Plan.

Assistant City Manager/Community Services Director Penelope Leach delivered the staff report. The updated plan was presented to Council on February 6, 2012. The plan has been reviewed by Council and questions received by Council have been addressed.

There was no public comment on this item.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen approve Resolution No. 2012-14 adopting the 2012 Albany Hill Creekside Master Plan.

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

ABSENT: none

NOES: None.

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Advisory Body Work Plans – 2012

Staff recommendation: That Council receive the 2012 Work Plans developed by the Planning & Zoning Commission, Parks and Recreation Commission, Sustainability Committee, Traffic & Safety Commission and Waterfront Committee outlining the priority tasks for each respective group, and provide any comments or direction.

City Manager Beth Pollard delivered the staff report with presentations by Community Development Director Jeff Bond and Assistant City Manager/Community Services Director Penelope Leach. Work plans are being developed by each of the Advisory Bodies to identify priority projects for each group, and highlight recent accomplishments.

The following people spoke on this item: Francesco Papalia, Waterfront Committee Chair.

A summary of the comments is as follows: The Waterfront Committee and Social and Economic Justice Committee Chairs met to discuss creation of a subcommittee regarding the homeless issue.

A summary of the Council comments is as follows: appreciation for work plans, suggested Traffic & Safety Commission evaluate the Cleveland/Jacuzzi area as the streets are in poor condition, also the speed limit should be reviewed and compared with the speed limit in Richmond. Interest in including a speed-

responsive signal at Pierce Street as part of the Buchanan/Marin project. Suggested the Waterfront Committee review the homelessness issue at Bulb. Support for partnering with community groups at parks, and encouraged community gardens at greenway and fruit-bearing trees. Encourage more code enforcement by the Planning & Zoning Commission. Support for the Climate Action Plan and collaborative efforts for outreach.

- 8-2. Resolution No. 2012-11 – A resolution in support of Proposition 29 – The California Cancer Research Act of 2012.

Council Member Lieber recommendation: Approve

Council Member Lieber provided an overview of this item. Albany City Council has been strong anti-smoking advocates, received an A rating from American Lung Association. Tobacco is a leading cause of death and illness.

The following people spoke on this item: Janna Katz - American Cancer Society, Paul Cummings.

A summary of the comments is as follows: The tobacco industry is spending significant money against Proposition 29. Proposition 29 will help save lives.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile that the City of Albany join the American Cancer Society, American Lung Association, Stand Up to Cancer, American Heart Association, American Stroke Association, Live Strong and adopt Resolution No. 2012-11, a Resolution in support of Proposition 29 – The California Cancer Research Act of 2012.

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

ABSENT: None.

NOES: None.

Motion carried and so ordered.

- 8-3. Community Engagement Programs

Staff recommendation: That Council endorse two new Community Engagement Programs: (1) *Nextdoor*; and (2) Albany Government 101.

Assistant City Manager/Community Services Director Leach delivered the staff report. A staff workgroup is evaluating current community engagement offerings and identifying ways to enhance engagement opportunities: *Nextdoor* and Albany Government 101. *Nextdoor* serves as a secure website to facilitate neighbor to

neighbor communication in particular neighborhood zones. The concept of Albany Government 101 is based on the City Council's objectives for 2010-12 to provide a perspective into the workings of the city and engage community in hands-on overview of government. The class will be offered to residents 17 years or older, with an application deadline of April 7, 2012.

The following people spoke on this item: Emilie Raguso.

A summary of the comments is as follows: supports community engagement efforts, caution regarding start ups to ensure sustained site.

MOTION:

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to endorse two new Community Engagement Programs: *Nextdoor*, and Albany Government 101.

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

ABSENT: None.

NOES: None.

Motion carried and so ordered.

- 8-4. Letters to Fern Tiger & Associates (FTA), the members of the Golden Gate Fields (GGF)/Waterfront Task Force, and the owners of GGF – The Stronach Group.

Staff recommendation: Authorize the Mayor to sign letters of appreciation to FTA and members of the Task Force, and a letter inviting continued conversation with The Stronach Group.

City Manager Beth Pollard delivered the staff report. At the February 6, 2012 meeting, City Council requested development of letters of appreciation for the time spent by the Task Force Members, FTA, and a letter to the Stronach Group to encourage continued conversation.

There was no public comment on this item.

A summary of the Council comments is as follows: Wile requested the Mayor sign all letters.

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to authorize the Mayor to sign letters of appreciation to FTA and members of the Task Force, and a letter inviting continued conversation with the Stronach Group.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel.
ABSENT: None.
NOES: None.
Motion carried and so ordered.

8-5. Amendments to contracts with the California Public Employees Retirement System (PERS).

a. Resolution No. 2012-12 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) and the "Different Level of Benefits" provision (§ 20475) for local Fire Safety members.

b. Urgency Ordinance No. 2012-01 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) and the "Different Level of Benefits" provision (§ 20475) for local Fire Safety members – First Reading

Staff recommendation:

1. Approve Resolution #2012-12, a resolution of intention to approve an amendment to the contract between the City of Albany and the Board of Administration of the California Public Employees' Retirement System.
2. Introduce Urgency Ordinance #2012-01, an ordinance of the Albany City Council authorizing an amendment to the contract between the City of Albany and the California Public Employees' Retirement System – First Reading. The ordinance will be on the April 2, 2012 City Council agenda for adoption.

Human Resources Manager Aaron Walker delivered the staff report. The City previously contracted with PERS for its fire safety employees to receive one-year final compensation and the 3%@55 full formula, paid entirely by the City. The City and the Albany Fire Fighters' Association (AFFA) recently negotiated changes to the MOU between the City and AFFA, including a new cost sharing provision, and a modification in how pensions for future employees are calculated. Fire employees will pay a total of 9% of wages to the City and PERS (7% to PERS, 2% to the City) in exchange for a salary increase of 3.3%. There is also a second-tier benefit in which new hires would utilize the three-year final compensation retirement basis instead of the current one-year final compensation. The proposed Resolution identifies intention to approve an amendment to the contract between the City and the PERS Board of Administration. The Ordinance will authorize the amendment to the contract between the City and the PERS Board of Administration.

There was no public comment on this item.

A summary of the Council comments is as follows: Vice Mayor Atkinson asked about the appropriate newspaper to publish the notice.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen to approve Resolution #2012-12, a resolution of intention to approve an amendment to the contract between the City of Albany and the Board of Administration of the California Public Employees' Retirement System; and introduce Urgency Ordinance #2012-01, an ordinance of the Albany City Council authorizing an amendment to the contract between the City of Albany and the California Public Employees' Retirement System for first reading.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel. ABSENT: None.

NOES: None.

Motion carried and so ordered.

8-6. Associated Community Action Program (ACAP) 2012 budget.

Staff recommendation: Authorize the payment of \$20,756 for ACAP's 2012 budget.

City Manager Beth Pollard delivered the staff report. The City is a member of the Associated Community Action Program (ACAP) Joint Powers Authority. ACAP is currently winding down. Each member is responsible in equal share for any liabilities or other costs remaining for the program. Management Partners was retained to serve as administrator and facilitate winding down of ACAP. Management Partners estimated that an additional \$121,539 would be required from each member agency. The immediate funding requirement in May 2011 was \$75,385. Council authorized \$75,385 at the time. The ACAP Board of Directors met on February 15, 2012 and adopted the budget for calendar year 2012, which includes a payment of \$20,756 by each member agency by March 31, 2012. There may also be unanticipated costs this year or in subsequent years.

There was no public comment on this item.

A summary of the Council comments is as follows: asked if there is an opportunity for funds to be recovered based on outcome pending legal action/prosecution.

Pollard reported that if any assets are left, funds will be disbursed to member agencies in equal shares.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Lieber to Authorize the payment of \$20,756 for ACAP's 2012 budget.

AYES: Council Members Lieber, Thomsen, Wile, Vice Mayor Atkinson, Mayor Javandel. ABSENT: None.

NOES: None.

Motion carried and so ordered.


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

Council Member Thomsen announced that she attended the East Bay Division Meeting which included the Governor's pension proposal. Mayor Javandel announced the annual Cub Scout pancake breakfast Sunday March 18 at the Veterans Memorial Building.


10. ADJOURNMENT

9:00 p.m – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.


Farid Javandel
Mayor

Attest:


Nicole Almaguer
City Clerk