

Date Approved: April 16, 2012

CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, APRIL 2, 2012

7:00 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 item:

Appointment of a Public Employee pursuant to Government Code § 54957 – City Clerk.

No public comment.

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 led 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; Anne Hsu, Deputy City Clerk; Nicole Almaguer, City Clerk; Jeff Bond, Community Development Director; Aleida Andrino-Chavez, Transportation Planner; Charles Adams, Finance and Administrative Services Director; Kim Denton, City Treasurer, Chief Tubbs, Fire Chief; John Weitzel, Fire Captain; Jim Boito, Fire Lieutenant; Mike McQuiston, Police Chief; Penelope Leach, Assistant City Manager; Chelle Putzer, Community Services Manager.

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

Mayor Javandel reported that the Council approved the appointment of Nicole Almaguer to the position of City Clerk.

4. CONSENT CALENDAR

4-1. Minutes, March 19, 2012

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$206,391.28 ; taxes, benefits & withholdings in the amount of \$177,089.13. Total payroll in the amount of \$383,480.41. Payroll period: 3/09/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,812.26; taxes, benefits & withholdings in the amount of \$34,040.17. Total payroll in the amount of \$80,852.43. Payroll period: 3/09/2012

c. Ratification of City of Albany net payroll in the amount of \$194,319.24; taxes, benefits & withholdings in the amount of \$267,424.81. Total payroll in the amount of \$461,744.05. Payroll period: 3/23/2012

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$49,054.21; taxes, benefits & withholdings in the amount of \$55,628.17. Total payroll in the amount of \$104,682.38. Payroll period: 3/23/2012

Staff recommendation: Ratify.

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of: \$292,391.84 (2/17/2012); \$26,161.37 (3/01/2012); \$284,566.36 (3/02/2012)

Staff recommendation: Ratify

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

Staff recommendation: Ratify.

4-5. Resolution No. 2012-16, Maintenance and Operations Memorandum of Understanding Between the City and the California Department of Transportation (Caltrans) for the Interstate 80 Integrated Mobility Corridor Project.

Staff recommendation: Approve Resolution No. 2012-16 authorizing the City Manager to enter into a Maintenance and Operations Memorandum of Understanding between the

California Department of Transportation (Caltrans) for the Interstate 80 Integrated Mobility Corridor Project.

- 4-6. Council Appointments:
- a. Council Member Lieber appointed Charles Prins to the Charter Review Committee.
 - b. Council Member Thomsen appointed Susan Reeves to the Traffic and Safety Commission.

Staff recommendation: Information only

- 4-7. 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

Staff recommendation: Adopt Ordinance No. 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 – Second Reading – Pass to print

- 4-8. 2012 Sewer Replacement on Spokane and Portland Avenues.

Staff recommendation: Authorize staff to-

- 1) Invite bids and award a contract in the amount not to exceed \$352,000 for the 2012 Sewer Replacement on Spokane and Portland Avenues.
- 2) Enter into an agreement not to exceed \$20,000 with Greg Jacobs Engineering to provide project design services for 2012 Sewer Replacement on Spokane and Portland Avenues.

Mayor Javandel asked if anyone would like to remove an item. No items were removed. There was no public comment regarding the consent calendar.

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson 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.

The following people spoke: Emilie Raguso – Albany Patch, Carolina Salazar – District Representative for Senator Loni Hancock.

A summary of the comments is as follows: complimented the landscaping at City Hall, encouraged communication with Senator Loni Hancock’s office.

Council Member Thomsen expressed condolences to the family of Joseph Zarri.

Council Member Lieber noted that the comment section to the recent Patch Article regarding the waterfront that was an April Fool’s piece included a comment indicating it was from Council Member Lieber, however Council Member Lieber did not make the comment.

Council Members Wile and Lieber noted the Fair Political Practices Commission is reviewing items related to the Council Members being allowed to make decisions on items such as the Climate Action Plan and General Plan type of documents.

6. PRESENTATION/PUBLIC HEARING

6-1. Proclamations:

a. Mental Health Month Proclamation

Council Member Wile delivered the Proclamation, accepted by Jeffrey Davis, Chair of the Berkeley Albany Mental Health Commission.

b. Library Week Proclamation

Council Member Lieber delivered the Proclamation, accepted by Alan Riffer and Rosalie Gonzales from the Library Board.

6-2. Resolution No. 2012-15 Approving the Alameda County Transportation Expenditure Plan (TEP) and Supporting the Placement of an Extension and Augmentation of the Existing Transportation Sales Tax on the November 2012 Ballot

Staff recommendation: Approve Resolution No. 2012-15 (Attachment 1) approving the Alameda County Transportation Expenditure Plan (TEP) and supporting the placement of an extension and augmentation of the existing transportation sales tax on the November 2012 ballot.

Community Development Director Jeff Bond delivered the staff report. The Alameda County Transportation Plan (TEP) is the framework for expenditure of the County-wide Measure B sales tax. The Measure was originally passed in 1986. The downturn in the economy has impacted funding. The Alameda County Transportation Commission (Alameda CTC) administers Measure B expenditures. The Alameda CTC has worked to update the TEP and associated Alameda Countywide Transportation Plan (CWTP). The proposed TEP requires extension of the existing ½ cent sales tax, and an increase in the sales tax by another ½ cent, equating to \$7.8 billion in new funding, collected in perpetuity.

Concerns regarding the equity in the distribution of funding have been raised by the Traffic & Safety Commission, other cities, and were discussed with City Council at the December 19, 2012 Council meeting. Alameda CTC must receive approval of the TEP by a majority of cities in order to be placed on the November 2012 ballot. The additional

funding, if approved by the voters, would result in an increase in the amount of passed-through funds provided via formula basis to the City, as well as increase the amount of funding available via competitive grant funds.

Tess Lengyel from the Alameda CTC provided a presentation summarizing the TEP and intended items to be funded. The ballot measure will require 2/3 voter approval, and focuses on maintaining transportation investments and expanding opportunities. As related to the City, these items would include an increase in pass-through funds, increased amounts for competitive grants, restoration and enhancement to AC Transit routes and programs, improvements to streets and roads including major corridors, highway efficiencies and freight programs, bicycle and pedestrian investments, sustainability, land use and technology investments.

There was no public comment on this item.

A summary of the Council comments is as follows: inquiry regarding how funding for BART stays in-County, whether northern county cities continue to have concerns regarding allocation equity, concern over saturation of tax measures on the ballot.

Lengyel replied that audits are conducted to confirm funding provided to agencies such as BART and AC Transit is appropriately allocated in-County, and several of the northern county cities have expressed support for the TEP and ballot measure.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Wile to Approve Resolution No. 2012-15 approving the Alameda County Transportation Expenditure Plan (TEP) and supporting the placement of an extension and augmentation of the existing transportation sales tax on the November 2012 ballot.

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

NOES: None.

Motion carried and so ordered.

6-3. June 30, 2011 Financial Statements and Reports of the Independent Auditors, Inter-fund Transfers

Staff recommendations:

- 1) Financial Reports: That Council receive a presentation by the City's independent auditors of the results of their examination of the City's financial report for fiscal year end June 30, 2011.
- 2) Transfers: That Council approve the updated schedule of inter-fund transfers

Finance and Administrative Services Director Charles Adams delivered the staff report. The City Council retained the services of Caporicci & Larson, a Certified Public Accounting firm to conduct an audit of the City's financial reports for fiscal year end June 30, 2011. The Comprehensive Annual Financial Report (CAFR) identifies General Fund expenditures in excess of revenues by \$121,023, comparing to a budgeted net of revenue in excess of expenditures by \$12,061. The auditors reported no findings of

concern based on their examination of financial reports overall, and specifically to the Albany Reinvestment Agency, Police and Fire Relief or Pension Fund, Alameda County Transportation Improvement Authority Measure B funds, and City of Albany Appropriation Limit, Transportation Development Act. Certain inter-fund transfers have been adjusted to reflect actual revenues received.

Ahmed Badawi of Caporicci & Larson provided a presentation summarizing the results of the audit.

The following people spoke on this item: Caryl O'Keefe, Emilie Raguso.

A summary of the comments is as follows: Encouraged Council to include more cushion in future budgets, inquired about presentation and whether it would be available on the City's website.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen to approve the updated schedule of inter-fund transfers

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

NOES: None.

Motion carried and so ordered.

6-4. Public Opinion Survey Results

Staff recommendation: That Council receive a presentation synthesizing the results of the recent public opinion survey conducted by Godbe Research, and provide direction to staff regarding a subsequent agenda item, if any, to consider potential 2012 ballot measure(s).

City Manager Beth Pollard delivered the staff report. Godbe Research provided a presentation to summarize results of the recently executed public opinion survey. A total of 352 surveys were conducted, with a margin of error of +/- 5.1%. Overall, the majority of survey respondents (90%) indicated they are satisfied with City services, which is a very high level of satisfaction. Public safety was expressed as a priority along with maintaining library services. The second tier of support included regular maintenance of city parks and open space, and providing safe routes for bicycles and pedestrians.

74% of those surveyed expressed support for a sales tax of 1 cent, and 80% support for a ½ cent sales tax. There is stronger support for a sales tax lasting between 5-9 years as compared to something extending 10-15 years. 52% expressed support for a Users Utility Tax to fund Climate Action Plan implementation. Since the UUT for the CAP would be a special tax, an approval rate of 2/3 would be required. This level of support was not reflected in the survey responses.

The following people spoke on this item: Caryl O'Keefe.

A summary of the comments is as follows: asked for clarification regarding the registered voter number.

Godbe replied that 8,426 is the number of voters likely to participate in the November 2012 election.

A summary of Council comments is as follows: survey results demonstrate a high level of support for a sales tax measure, interest in moving forward to develop a measure with assistance from staff. Concern over the number of potential measures on the upcoming ballot. Interest in funding for the maintenance center.

City Manager Pollard will return to Council with an agenda item regarding the potential sales tax.

7. UNFINISHED BUSINESS

8. NEW BUSINESS

8.1 2012-13 Operating Budget Goals & Objectives

Staff recommendation: That Council receive staff's initial draft objectives for City Council goals for the 2012-13 fiscal year operating budget, and provide comments and direction.

City Manager Beth Pollard delivered the staff report. Staff has drafted initial goals and objectives for the 2012-13 fiscal year. Adoption of the next budget, goals and objectives is scheduled for June 2012. The goals and objectives are designed to cover one fiscal year to align with the upcoming Council election, scaled with the anticipation of flat revenues, recognition that the City is functioning at or beyond its current capacity, ambitious and feasible, inclusive of ideas from Council, community and staff, oriented towards realizing Council's goals, continuous improvement of City government. Highlights of the goals include items to promote a healthy local economy, be environmentally strong, be fiscally strong, provide for safe, diverse and engaged neighborhoods, efficient, effective and productive organization, and a treasured waterfront.

The final version will be presented to Council in June based on comments and feedback received.

No public comment.

A summary of Council comments is as follows: Interest in utilizing creativity to make General Plan Update more economical while also ensuring the project has a budget to support staff. Interest in utilizing existing plans such as the Climate Action Plan and Active Transportation plan to build into the General Plan Update. Support for prioritizing and identifying items that may need to be put on hold to focus on priority items.

Community Development Director Jeff Bond noted that he is researching opportunities to make the General Plan Update more economical, including utilizing staff to prepare the update with consultant assistance on technical aspects.

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

Council Member Thomsen reported that she attended the East Bay Division League of California Cities meeting and there was a presentation by the Alameda County Fire Chief on department regionalization.

Council Member Wile reported that she has been working with the City of Berkeley Mental Health Services, and a grant may be available for Albany which would help with technology for senior services. Council Member Wile is also working on renewal of the Albany trauma group at Albany High School, and a mentor program for 9th graders with high truancy rates.


Council Member Lieber reported he saw Police Chief Mike McQuiston patrolling at the Albany Bulb and they discussed safety items related to the Bulb. Council Member Lieber is also working to explore the idea of an educational piece for Council regarding the co-location of transmitters, and is also in the process of reviewing codes that are lacking in the City with regard to the safety of poles and towers.

City Manager Pollard announced the Albany Civics Academy which is scheduled to start April 19, 2012.


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 Nicole Almaguer, City Clerk.


Farid Javandel
Mayor

Attest:


Nicole Almaguer
City Clerk