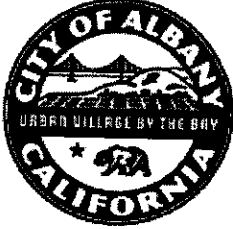


Date Approved: May 7, 2012



CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, APRIL 16, 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 items:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Pursuant to Government Code Subdivision (a) of Section 54956.9

Name of case: Before the US District Court Northern District Oakland Division:
GTE Mobilenet of California Limited Partnership, a California limited partnership
d/b/a Verizon Wireless vs. City of Albany Case No. 11-6155

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; Craig Labadie, City Attorney; Anne Hsu, Deputy City Clerk; Nicole Almaguer, City Clerk; Jeff Bond,

Community Development Director; Aleida Andrino-Chavez, Transportation Planner; Penelope Leach, Assistant City Manager; Isabelle Leduc, Recreation Supervisor; Brian Crudo, Fire Marshall; Karina Tindol, Community Engagement Specialist, Richard Cunningham, Public Works Manager.

3. **REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
Mayor Javandel reported that the Council met in closed session and that no action was taken.
4. **CONSENT CALENDAR**
 - 4-1. Minutes, April 2, 2012

Staff recommendation: Approve
 - 4-2.
 - a. Ratification of bills, claims and demands against the City of Albany in the amount of: \$1,491,410.83 (03/16/2012); \$221,320.41 (03/30/2012); \$29,058.11 (04/01/2012)
 - b. Ratification of bills, claims and demands against the Albany Joint Powers Authority in the amount of: \$889.84 (03/02/2012); \$462.00 (03/16/2012)
Staff recommendation: Ratify
 - 4-3. Resolution No. 2012-21 authorizing City staff to submit and implement the program plan application for the City of Albany Paratransit Program for Fiscal Year 2012-2013.

Staff recommendation: That Council approve Resolution No. 2012-21 authorizing staff to submit and implement the program plan application for the City of Albany Paratransit Program for fiscal year 2012-2013.
 - 4-4. Temporary Street Closure of Carmel Avenue near Memorial Park for Arts & Green Festival, May 6, 2012.

Staff recommendation: That Council approve the closure of Carmel Avenue starting at Portland Avenue to the middle of the block of Carmel Avenue along Memorial Park May 6, 2012 from 9 AM – 5 PM for the Arts & Green Festival.
 - 4-5. Resolution No. 2012-22 - Extension of agreement with the City of Piedmont for shared Fire Chief services.

Staff recommendation: That Council approve Resolution No. 2012-22, authorizing execution of an agreement with the City of Piedmont for shared Fire Chief services, through April 2014.

- 4-6. Mayor Javandel appointed Brian Johns to the Waterfront Committee.

Staff recommendation: Information only

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 Thomsen, seconded by Council Member Wile 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.

Swearing in of CERT participants – Fire Marshal Brian Crudo administered the swearing in of CERT participants. Council expressed gratitude to the CERT program and participants.

The following people spoke: Ken McCroskey, Karina Tindol – Community Engagement Specialist. A summary of the comments is as follows: announced Arts & Green Festival event scheduled for May 6, 2012, announced CERT courses and a drug take back event scheduled for April 28, 2012 at the Senior Center.

Council Member Lieber announced that the Oversight Board for the Successor Agency to the Albany Community Reinvestment Agency met, and that the meeting was productive. Lieber was elected as Chair, and City Manager Beth Pollard was elected as Co-chair.

Council Member Thomsen expressed condolences to the Hardie-Brostrum family on the recent passing of June Hardie.

Mayor Javandel noted that the recent Mayors Conference included discussion of the County developing a regulation for drug manufactures to provide for the safe disposal of drugs.

6. PRESENTATION/PUBLIC HEARING

6-1. Approval of Active Transportation Plan

Traffic and Safety Commission Recommendation: At the February 23, 2012 Traffic and Safety Commission meeting, the Commission unanimously approved the following Active Transportation Plan recommendations to the City Council:

- 1) Recommend that the City Council modify proposed Dartmouth Shared Street Concept (Project 15) by shifting signage, pavement markings, and traffic circles to Stage 1; shift Dartmouth and San Pablo intersection improvements to Stage 2; and create a new Stage 3 and include the Pomona curb modifications and bulb outs.
- 2) Recommend that the City Council keep Dartmouth Shared Street Concept in Tier 2 and ask staff to find funds for Stage 1.
- 3) Recommend that the City Council approve the Active Transportation Plan Mitigated Negative Declaration.
- 4) Recommend that the City Council approve the Active Transportation Plan as amended.

Staff recommendation: Staff recommends that the City Council approve the Active Transportation Plan

- 1) Approve Resolution No. 2012-24, Approving Initial Study and Mitigated Negative Declaration
- 2) Approve Resolution No. 2012-25, Approving Active Transportation Plan as amended

Council Member Lieber noted that when this item was last before the Council, the Council Members drew straws to select the three Council Members who would participate. This was done because Council Members had potential conflicts of interest since the Active Transportation Plan included projects throughout the city. Council Member Lieber and Vice Mayor Atkinson had drawn the short straws and therefore recused themselves at the prior meeting and at this meeting.

Community Development Director Jeff Bond delivered the staff report. At the February 23, 2012 meeting of the Traffic & Safety Commission, they approved recommending that Council adopt the Active Transportation Plan, noting the four items listed above. The Active Transportation Plan (ATP) is intended to identify projects for pedestrian and bicycle safety throughout the City, coincides with the City's Climate Action Plan, and will serve as a backbone to the Transportation Element of a new General Plan. The ATP will also serve as a guiding document

for staff seeking grants to implement improvement projects. Per CEQA requirements, a draft Mitigated Negative Declaration has been prepared for the project.

Mayor Javandel opened the Public Hearing.

The following people spoke: Marsha Skinner, Zack Mensinger, Allan Maris, Ken McCroskey.

A summary of comments is as follows: concern regarding speed and removal of solid lines on Peralta Avenue; support for the plan.

Mayor Javandel closed the public hearing.

A summary of Council comments is as follows: support for the ATP, confirmation that the issue on Peralta Avenue hill will be addressed.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen to Approve Resolution No. 2012-24, Approving Initial Study and Mitigated Negative Declaration, and Approve Resolution No. 2012-25, Approving Active Transportation Plan, with the four recommendations of the Traffic and Safety Commission, and the two recommendations made by Staff.

AYES: Council Members Thomsen, Wile, Mayor Javandel.

RECUSED: Council Member Lieber, Vice Mayor Atkinson.

ABSENT: None.

NOES: None.

Motion carried and so ordered.

7. UNFINISHED BUSINESS

7-1. Advisory Body Work Plans - 2012

Staff recommendation: That Council receive the 2012 Work Plans developed by the Social and Economic Justice Commission, the Arts Committee, and the Community Media Access Committee outlining the priority tasks for each respective group, and provide any comments or direction.

Assistant City Manager/Community Services Director Penelope Leach delivered the staff report along with presentations by Ruth Cashmere, Social & Economic Justice Commission Chair (SEJC); Isabelle Leduc, staff liaison to the Arts Committee; and Ellen Toomey, Community Media Access Committee Chair.

A summary of Council comments is as follows: interest in SEJC promoting community gardens, and micro-loans for people that may need assistance, two seats are open on the Arts Committee, support for the Film Festival.

8. NEW BUSINESS**8-1. Report on East Bay Regional Park District Albany Beach Restoration and Public Access Improvement Project**

Staff recommendation: That Council approve correspondence to the East Bay Regional Park District expressing support for the Albany Beach project and commenting on the Notice of Preparation on an environmental impact report.

Community Development Director Jeff Bond delivered the staff report. The East Bay Regional Park District has completed the Albany Beach Restoration and Public Access Feasibility Study, is seeking funding to implement the project and has retained the services of Questa Engineering to complete the design and permitting for the project. The project also includes extension of the Bay Trail from Gilman to Buchanan. This is being conducted via eminent domain. Golden Gate Fields has challenged the eminent domain action; however a tentative Court ruling has been issued clarifying the procedural steps necessary for the project to move forward.

The project will result in a significant public improvement to the Albany waterfront including extension of the Bay Trail, restoration and enhancement of the beach, dunes and wetlands, stabilization of eroding banks, and a number of amenities including picnic facilities, restrooms and parking.

East Bay Regional Park District held a public meeting on April 12, 2012. The issue of dogs and whether they would be allowed on the beach was raised by attendees. The deadline to submit comments is April 29th.

The following people spoke: Caryl O'Keefe, Allan Maris, Ken McCroskey. A summary of comments is as follows: interest in more detail regarding stockpile of debris that will be generated and placed on the Plateau as part of excavation, suggested timing Bay Trail work in collaboration with a redevelopment of the property with assistance from the property owner, support to not allow dogs at this location, appreciation for the project, suggestion of allowing for boat storage at the site.

A summary of Council comments is as follows: appreciate funding being focused on improving Albany waterfront, interest in obtaining more information regarding the excavation debris. The City has been waiting on the developer to assist with completing the Bay Trail for too long. Concern over whether dogs should be allowed at the beach.

Bond will include an inquiry regarding the excavation debris in the comment letter.

MOTION:

Moved by Council Member Wile, seconded by Vice Mayor Atkinson to Approve correspondence to the East Bay Regional Park District expressing support for the Albany Beach project and commenting on the Notice of Preparation on an environmental impact report, and requesting the District explore the alternative concept of having a shared beach that allowed an area for dogs.

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

NOES: None.

Motion carried and so ordered.

8-2. Resolution No. 2012-20, Supporting the renaming of Eastshore State Park

Council Member Lieber recommendation: Approve Resolution No. 2012-20 of the Albany City Council in Support of Renaming the Eastshore State Park to McLaughlin Eastshore State Park.

This item was taken up following Good of the City. Council Member Lieber introduced the item and noted that the City of Richmond will be reviewing a similar request at their upcoming City Council meeting. Sylvia McLaughlin has dedicated over 60 years to the protection of the Bay.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to Approve Resolution No. 2012-20 of the Albany City Council in Support of Renaming the Eastshore State Park to McLaughlin Eastshore State Park.

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

NOES: None.

Motion carried and so ordered.

8-3. Ordinance No. 2012-02 a proposed amendment to Chapter II, Article IV of the Albany Municipal Code to revise meeting dates for the Planning and Zoning Commission to accommodate the Albany Unified School District Board of Education request to change meeting dates.

Staff recommendation: That the Council authorize introduction and first reading of Ordinance No. 2012-02 amending Chapter II, Article IV of the Albany Municipal Code to revise meeting dates for the Planning and Zoning Commission in order to accommodate the Albany Unified School District Board of Education request to change meeting dates.

City Clerk Nicole Almaguer delivered the staff report. Staff was contacted by the Albany Unified School District (AUSD) regarding opportunities to revise their current meeting schedule for the Board of Education (BOE) due to a number of

upcoming scheduling conflicts due to holidays. Staff has worked with AUSD over the course of the last several months to identify opportunities to revise the meeting schedule for BOE. The BOE has requested the meeting dates of the 2nd and 4th Tuesdays. This will require changing the dates of the City's Planning & Zoning Commission, which are set within the City's Municipal Code.

The following people spoke: Allan Maris.

A summary of comments is as follows: appreciation for flexibility of the City with regard to scheduling of meetings.

No comments from Council.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Thomsen to authorize introduction and first reading of Ordinance No. 2012-02 amending Chapter II, Article IV of the Albany Municipal Code to revise meeting dates for the Planning and Zoning Commission in order to accommodate the Albany Unified School District Board of Education request to change meeting dates.

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

NOES: None.

Motion carried and so ordered.

8-4. Waste Management of Alameda County Annual Rate Adjustment

Staff recommendation: That the Council authorize the Annual Rate Adjustment of 4.59% by Waste Management of Alameda County.

City Clerk Nicole Almaguer delivered the staff report. The City's Franchise Agreement with Waste Management of Alameda County (WMAC) includes stipulations for an annual rate increase utilizing the Refuse Rate Index (RRI). WMAC has calculated the indexes based on the formula established within the Franchise Agreement, finding a rate increase of 4.59% for the current year. An update regarding status of implementing the new service offerings was also provided. Almaguer also noted that WMAC staff was present at the meeting and able to answer questions if needed.

The following people spoke: Allan Maris.

A summary of comments is as follows: support for Council Member Thomsen voting against the Franchise Agreement in 2011, cart replacement is an ongoing issue.

A summary of Council comments is as follows: concern with service issues including cart replacement, encourage residents to utilize smaller containers and

take advantage of applicable discounts, request for confirmation that rate increase numbers are validated.

WMAC representative David Tucker responded to the question raised regarding rate increase numbers noting that the numbers are federal indices.

Almaguer requested those with service issues contact WMAC to ensure issue is recorded in their system, and to also contact Almaguer with ongoing service issues so that resolution can be expedited and enforcement of franchise agreement is ensured including heightening enforcement to the level of assessing liquated damages if necessary.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Wile to authorize the Annual Rate Adjustment of 4.59%, pursuant to the terms of the Collection Services Franchise Agreement with Waste Management of Alameda County.

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

ABSENT: None.

NOES: None.

Motion carried and so ordered.

8-5. City of Albany Capacity Limitations Report

Staff recommendation: That Council receive the report on the City's capacity limitations in meeting the obligations of a local government and expectations of the local community. The report is provided as context for the City Council and community's consideration of a potential November 2012 tax measure to support city services.

City Manager Pollard delivered the staff report. Existing limitations include code enforcement, homelessness management, technology improvements, community communications, public safety, employee compensation, economic development, General Plan, implementation of the Climate Action Plan/Sustainability measures, staff support to advisory bodies, facility/city maintenance, vehicle/equipment maintenance and replacement. Additionally there are capital needs, which will be further addressed in May.

The following people spoke: Paul O'Curry, Allan Maris, Caryl O'Keefe, Peggy McQuaid.

A summary of comments is as follows: appreciation for staff, encourage further discussion of a sales tax, suggestion to assign costs to each of the limitations to identify total funding need, interest in improving Albany's tax base to support City and schools, suggestion for Council to look at health care costs of Council as

compared to employees, importance of staff liaisons for Committees/Commissions.

A summary of Council comments is as follows: acknowledgement that staff is doing a substantial amount of work, need to prioritize and focus on core services, support for a sales tax to secure additional funding.

Pollard added that the sales tax may need to be utilized to maintain existing services. There is a projected decline of \$200,000 in sales tax revenue due to business closures and competition from businesses in neighboring cities.

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

Vice Mayor Atkinson announced the White Elephant Sale this Saturday at the Senior Center.

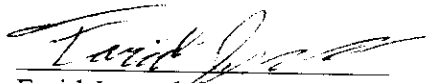
Council Member Wile announced that a grant is being submitted to fund technology for seniors at the Senior Center.

Council Member Lieber announced some of the animals from the Oakland Zoo will be coming to the Senior Center this Wednesday.

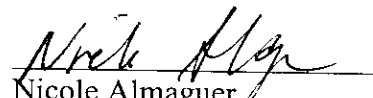
10. ADJOURNMENT

10:02 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