



**CITY OF ALBANY**  
**MINUTES**  
**JOINT MEETING OF THE ALBANY CITY COUNCIL**  
**AND THE ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY**  
  
**CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE**  
**TUESDAY, SEPTEMBER 4, 2012**

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**6:30 p.m.**

**CLOSED SESSION**

**CALL TO ORDER**

Mayor Javandel called the meeting to order.

**OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS**

There was no public comment on closed session items.

City Council convenes in the Council Chamber and then adjourns to Closed Session to discuss the following items:

- 1) Recruitment, Selection and Appointment of Public Employee, pursuant to Government Code Section 54957(b)(1):  
Position: Public Works Director/City Engineer
  
- 2) Executive session pursuant to Government Code Section 54957 to discuss Public Employee Performance Evaluation:  
City Manager: Beth Pollard
  
- 3) Conference with legal counsel to discuss pending litigation pursuant to Government Code Section 54966.9(a):
  - a) Albany Strollers & Rollers et al. v. City of Albany et al., Alameda County Superior Court, Case No. RG12644244
  - b) Eric Larsen v. City of Albany, Alameda County Superior Court, Case No. RG12644349

**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; Jeff Bond, Community Development Director, Rich Cunningham, Public Works Director; Charles Adams, Finance & Administration Director; Isabelle Leduc, Recreation Supervisor.

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

Mayor Javandel reported that Council met in closed session regarding the following items:

1)Recruitment, Selection and Appointment of Public Employee, pursuant to Government Code Section 54957(b)(1):

Position: Public Works Director/City Engineer

Mayor Javandel reported that Council received an update regarding this item, no action was taken.

2)Executive session pursuant to Government Code Section 54957 to discuss Public Employee Performance Evaluation:

City Manager: Beth Pollard

Mayor Javandel reported that Council provided direction for a future agenda item.

3)Conference with legal counsel to discuss pending litigation pursuant to Government Code Section 54966.9(a):

a) Albany Strollers & Rollers et al. v. City of Albany et al., Alameda County Superior Court, Case No. RG12644244

b) Eric Larsen v. City of Albany, Alameda County Superior Court, Case No. RG12644349

Mayor Javandel reported that Council received information regarding these items but no action was taken.

**4. CONSENT CALENDAR**

4-1. a) Minutes, July 9, 2012

b) Minutes, July 16, 2012

Staff recommendation: Approve

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$206,471.46; taxes, benefits & withholdings in the amount of \$178,490.61. Total payroll in the amount of \$384,962.07. Payroll period: 7/13/2012
- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$48,482.60; taxes, benefits & withholdings in the amount of \$34,840.81. Total payroll in the amount of \$83,323.41. Payroll period: 7/13/2012
- c. Ratification of City of Albany net payroll in the amount of \$218,973.61; taxes, benefits & withholdings in the amount of \$311,042.87. Total payroll in the amount of \$530,016.48. Payroll period: 7/27/2012
- d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$48,417.36; taxes, benefits & withholdings in the amount of \$57,021.09. Total payroll in the amount of \$105,438.45. Payroll period: 7/27/2012

Staff recommendation: Ratify.

- 4-3.** Ratification of bills, claims and demands against the City of Albany in the amount of: 176,874.79 (6/22/2012), \$429,675.45 (7/6/2012) \$724,822.45 (7/20/2012)

Staff recommendation: Ratify

- 4-4.** a) Ratification of Police & Fire Pension Plan payments in the amount of \$113,087.34 for the month of July, 2012.
- b) Ratification of Police & Fire Pension Plan payments in the amount of \$113,080.77 for the month of August, 2012.

Staff recommendation: Ratify.

- 4-5.** Resolution No. 2012-51 – Reaffirming the City’s Commitment to Open Government and Compliance with the Ralph M. Brown Act.

Staff recommendation: That Council adopt Resolution No. 2012-51 reaffirming the City’s commitment to open government and compliance with the Ralph M. Brown Act.

- 4-6.** Additional Art in Public Places Funding needed for the restoration of the Herons Sculpture at the Albany Bulb

Arts Committee and Staff recommendation: That the Council approve Resolution No. 2012-53 allocating additional Art in Public Places Funding not to exceed \$4,250 to restore the Herons sculpture at the Albany Bulb.

- 4-7. Resolution No. 2012-52 Authorizing City Manager to enter into a Grant Agreement with the California Office of Traffic Safety in the amount of approximately \$29,000.

Staff recommendation: Approve Resolution No. 2012-52 authorizing the City Manager to enter into a Grant Agreement with the California Office of Traffic Safety in the amount of approximately \$29,000 to enhance police department traffic enforcement operations.

- 4-8. Temporary Street Closures for City Events – Solano Avenue and Key Route Boulevard.

Staff recommendation:

- (1) That Council approve the street closure on Solano Avenue from the intersection of San Pablo Avenue to the intersection of Evelyn Avenue on Saturday, September 29, 2012, from 9:30 AM to 11:30 PM for the “Dinner with Albany” event.
- (2) That Council approve the closure of a two-block area of Key Route Boulevard from Thousand Oaks to the El Cerrito border from 12 –3 PM on Sunday, September 22, 2012, for the “Alberrito Streets” event. Closures will be placed on Key Route Boulevard at the intersections of Brighton and Thousand Oaks Avenue. The City of El Cerrito will be closing Ashbury beginning at A Street to the Albany border.

Mayor Javandel asked if anyone would like to remove an item. Items 4-1, 4-6 and 4-7 were pulled. Council Member Lieber made a correction to page 7 of the July 9, 2012 minutes, #F to clarify that he voted no on the item. Council Member Thomsen asked for clarification regarding item 4-6, and congratulated the Sgt. Willis of the Police Department for receiving a grant award.

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 amended.

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: Francesco Papalia; Emilie Raguso, Albany Patch; A summary of comments is as follows: formally requesting the City take action regarding fraud conducted and false information provided by those that circulated the recent referendum; working with St Albans Church to conduct candidate forums - October 10<sup>th</sup> for School Board Candidates and October 17<sup>th</sup> for City Council Candidates.

Council Member Thomsen expressed condolences for former Crossing Guard Beatrice Besette and community volunteer Swarna Matz.

Council Member Thomsen also recognized Amy Smolens for coordinating and implementing the recent installation of new bike racks in the City.

Council Member Thomsen also recognized Karina Tindol and the Albany Police Department regarding their work at National Night Out. Council Member Thomsen also recognized John Geissberger, David Bettencourt, Chelle Putzer and the Albany Fire Department for their work at the Relay for Life.

City Manager Pollard announced that the Marin/Santa Fe intersection improvements are complete pending installation of the new traffic lights in October. Pollard also noted that the BART seismic retrofit project continues and that BART reports it will open the section from Portland to Brighton next week, and the section from Solano to Dartmouth will open after the Portland to Brighton section, and that they will begin work on the section from Brighton to El Cerrito. Night work will be underway tonight and tomorrow night including tree removal near Gilman.

A presentation by Rusty Monroe will be provided Tuesday, September 18 at 6pm per Council request. Pollard also announced Albany Local week and Dinner with Albany occurring in September.

Mayor Javandel announced that the Solano Stroll will be held this Sunday.

## **6. PRESENTATION/PUBLIC HEARING**

### **6-1. Capital Improvement Plan: Fiscal Year 2012/13 – Fiscal Year 2016/17**

Staff recommendation: Approve Resolution No. 2012-50 adopting the Capital Improvement Plan (CIP) for period fiscal year 2012-13 to fiscal year 2016-17.

City Manager Beth Pollard delivered the staff report, and recognized the work conducted by Projects Director Judy Lieberman. The project summary includes policies that will be implemented as a result of the projects and timetables for completion of projects. In addition, funds have been included in the CIP for planning and engineering work for signs and striping as identified in the City's Active Transportation Plan.

Mayor Javandel opened the public hearing.

The following people spoke: Harry Chomsky, Albany Strollers & Rollers; Nick Pilch, Albany Strollers & Rollers.

A summary of comments is as follows: appreciation for staff working with Albany Strollers & Rollers and including the signs and striping project within the CIP.

Mayor Javandel closed the public hearing.

**MOTION:**

Moved by Vice Mayor Atkinson, seconded by Council Member Lieber to approve Resolution No. 2012-50 adopting the Capital Improvement Plan (CIP) for period fiscal year 2012-13 to fiscal year 2016-17.

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

NOES: None. ABSENT: None.

Motion carried and so ordered.

**7. UNFINISHED BUSINESS**

**8. NEW BUSINESS**

**8-1. United Nations Declaration on the Rights of Indigenous Peoples**

Council Member Lieber recommendation: That Council refer the United Nations Declaration on the Rights of Indigenous Peoples to the Social & Economic Justice Commission for its discussion, analysis and recommendations on the pros and cons of a City Council position on the Declaration.

Council Member Lieber provided a summary and would like the Social & Economic Justice Commission to research the item and report back to Council.

The following people spoke: Hinhanska Haney; Caryl O'Keefe; President of the United Native Americans.

A summary of comments is as follows: expressed appreciation to Council Member Lieber for placing the item on the agenda and provided a summary of the United Nations Declaration on the Rights of Indigenous Peoples; Council has limited influence regarding this item, and recommends Council consider whether time and resources should be spent on items not under Council's ability to control or impact and requests the subject be broadened to obtain guidelines on what the Council could have influence over; the cities of Berkeley and Richmond have adopted the United Nations Declaration on the Rights of Indigenous Peoples.

A summary of Council comments is as follows: interest in learning what Richmond and Berkeley have adopted and that the information be passed along to the Social and Economic Justice Commission, interest in Social and Economic Justice Commission reviewing the potential for development of a Resolution to encourage adoption by the US delegation of the United Nations Declaration on the

Rights of Indigenous Peoples. Interest in Social and Economic Justice Commission research on broader social, cultural and economic issues and how Council determines criteria for discussing and handling these issues. Interest in Social and Economic Justice Commission reviewing the document and included definitions to determine whether any clarification is needed while also providing recommendations on whether to adopt the actual document and/or expressing via Resolution that the United States further pursue the item.

**MOTION:**

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to refer the United Nations Declaration on the Rights of Indigenous Peoples to the Social & Economic Justice Commission for its discussion, analysis and recommendations on the pros and cons of a City Council position on the Declaration, including what does it mean for the city to adopt, what does it mean for the City to support the United States approving its adoption at the UN, and what the cities of Berkeley and Richmond have adopted.

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

NOES: None. ABSENT: None.

Motion carried and so ordered.

- 8-2.** An Ordinance of the Albany City Council Amending Chapter 15, Sewers and Sanitation of the Albany Municipal Code to Control Fats, Oils, and Grease Entering the Sanitary Sewer System.

Staff recommendation: That Council approve on First Reading Ordinance No. 2012-06 regulating fats, oils, and grease entering the sanitary sewer system.

Community Development Director Jeff Bond delivered the staff report.

The City is required to comply with the State Water Resources Control Board General Waste Discharge Requirements for Sanitary Sewer Systems, including adoption of a Sanitary Sewer Management Plan which was approved by City Council in July 2009. Fats, Oil, and Grease have a tendency to clog sewer system pipes and can contribute to sewer blockages and overflows. East Bay Municipal Utility District has implemented a regional Fats, Oil, and Grease program since 2003, however has indicated that the program will not be continued. EBMUD has indicated they will provide assistance to implement a program per locally established requirements such as the proposed Ordinance No. 2012-06. Food service establishments will be required to install a grease control device based on specific thresholds.

There was no public comment on this item.

**MOTION:**

Moved by Council Member Wile, seconded by Council Member Thomsen to

introduce for first reading Ordinance No. 2012-06 amending Chapter 15, Sewers and Sanitation of the Albany Municipal Code to Control Fats, Oils, and Grease Entering the Sanitary Sewer.

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

NOES: None. ABSENT: None.

Motion carried and so ordered.

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

- 9-1. Next City Council Meeting will be held **Tuesday, September 18<sup>th</sup>** as Monday, September 17<sup>th</sup> is during Rosh Hashanah.

Council Member Lieber reported that he attended a Labor Day event that included the gathering of representatives from a number of unions, and recently attended a Redevelopment Oversight Board meeting.

Council Member Lieber reported he may be late or possibly miss the next Council meeting.

**10. JPA CONSENT**

- 10-1. Resolution No. JPA2012-3 to grant a designated period for two years additional service credit

Staff recommendation: Approve Resolution No. JPA2012-3, a resolution to grant a designated period for the “Two Years Additional Service Credit” provision (§20903) for the classification of Public Works Manager.

**MOTION:**

Moved by Board Member Thomsen, seconded by Vice Chair Atkinson to approve Resolution No. JPA2012-3, a resolution to grant a designated period for the “Two Years Additional Service Credit” provision (§20903) for the classification of Public Works Manager.

AYES: Board Members Lieber, Thomsen, Wile, Vice Chair Atkinson, Chair Javandel.

NOES: None. ABSENT: None.

Motion carried and so ordered.

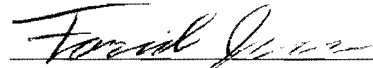
**ADJOURNMENT**

Adjourn in Memory of former Crossing Guard Beatrice Besette, community volunteer Swarna Matz.

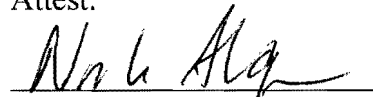


8:30 p.m. There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.

  
Farid Javandel  
Mayor

Attest:

  
Nicole Almaguer  
City Clerk