



**CITY OF ALBANY**  
**MINUTES OF THE**  
**JOINT MEETING OF THE ALBANY CITY COUNCIL**  
**AND THE ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY**  
**CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE**  
**MONDAY, DECEMBER 3, 2012**

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**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; Charles Adams, Finance & Administrative Services Director; Jeff Bond, Community Development Director; Penelope Leach, Recreation & Community Services Director/Assistant City Manager; Ray Chan, Public Works Director/City Engineer; Brian Crudo, Battalion Chief; Police Chief Mike McQuiston, Police Lt. John Geissberger; Karina Tindol, Community Engagement Specialist; Fire Captain Jim Boito; Fire Lt. Erik Ortenblad.

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

**4. CONSENT CALENDAR**

**4-1. Minutes, November 19, 2012**

Staff recommendation: Approve

**4-2. a. Ratification of City of Albany net payroll in the amount of \$207,790.46 ; taxes, benefits & withholdings in the amount of \$298,091.99. Total payroll in the amount of \$505,882.45. Payroll period: 11/16/2012**

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,687.41; taxes, benefits & withholdings in the amount of \$57,405.84. Total payroll in the amount of \$103,093.25. Payroll period: 11/16/2012

Staff recommendation: Ratify.

**4-3.** Ratification of Police & Fire Pension Plan payments in the amount of \$113,489.93 for the month of November, 2012.

Staff recommendation: Ratify

**4-4.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of June 30, 2012, as required by Section 53646 of the California Government Code.

Staff recommendation: Note and File.

**4-5.** Police Fleet Vehicle Purchase and Authorization to Lease

Staff recommendation: That Council:

- a) Approve the purchase of two 2013 Ford police patrol vehicles using police equipment reserve funds, at the State of California contract price of \$23,242 each.
- b) Approve Resolution No. 2012-72 authorizing the City Manager/designee to enter into a lease agreement with Enterprise Fleet Management for the lease of police support vehicles in lieu of replacement.

**4-6.** Resolution No. 2012-73 adopting the East Bay Economic Development Alliance's "Open For Business" pledge

Staff recommendation: That Council approve Resolution No. 2012-73 adopting the East Bay Economic Development Alliance's "Open for Business" pledge.

**4-7.** Resolution No. 2012-75 – A resolution of the City Council of the City of Albany electing statutory pass-through payments pursuant to Health and Safety Code Sections 33607.5 and 33607.

Staff recommendation: Approve Resolution 2012-75 – A resolution of the City Council of the City of Albany electing statutory pass-through payments pursuant to Health and Safety Code Sections 33607.5 and 33607.7

**4-8.** Ordinance No. 2012-07, Repealing Ordinance No. 2012-04 Approving the Development Agreement for the University Village Mixed Use Project

Staff recommendation: Approve Ordinance No. 2012-07 An Ordinance of the City of Albany City Council Repealing Ordinance No. 2012-04 – Second Reading - Pass to print.

Mayor Javandel asked if anyone would like to remove an item. Council Member Thomsen asked the City Attorney whether she should recuse herself from item 4-7. City Attorney Craig Labadie indicated there was no reason for recusal on the item. Item 4-5 was pulled from the Consent Calendar by Council Member Lieber. Police Chief Mike McQuiston provided an overview of the purchase of fleet vehicles, noting that two patrol cars will be replaced and the equipment from the existing vehicles will be transferred to the new patrol cars to the extent possible. The Police Department maintains a minimum level of seven patrol cars.

**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.

The following people spoke: Jeff Bond, Community Development Director; Ray Chan Public Works Director/City Engineer; Mike McQuiston, Police Chief.

A summary of comments is as follows: announced the complete streets planning workshops that will be held on December 6<sup>th</sup> – 12<sup>th</sup>; announced fish were located in Codornices Creek, and a notice to proceed with the Buchanan Bike Path will be issued within the next week; the joint two-county radio system for Albany Police services went into effect today without any service issues. The Albany Fire Department will also be utilizing the system shortly.

A summary of Council comments is as follows: Council Member Lieber announced that the Berkeley City Council passed new rules and regulations regarding the Mental Health Board, including recommendations from the Albany City Council.

Council Member Wile announced she will miss the special Council meeting on December 10 as she will be participating in a restorative justice session representing a stolen car victim, and extended appreciation to the Police Department for the professionalism in responding to her request for a Police report regarding the recent theft of her truck. Council Member Wile also

announced that she submitted a grant that was awarded in the amount of \$18,000 which will be used for in the Elementary Schools to build support for safe schools.

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

- 6-1. Swearing-in Ceremony for Disaster Service Workers**  
Karina Tindol, Community Engagement Specialist and Battalion Chief Brian Crudo conducted the swearing in ceremony of the new Disaster Service Workers: Anita King, Douglas Castro, Jean Cheng, Olivier Theriault, Susan Barnes, Tim Little.

## **7. UNFINISHED BUSINESS**

- 7-1. Dogs on Memorial Park Sports Field**

Parks and Recreation Commission and Staff recommendations:  
That Council:

- 1) Approve Resolution No. 2012-69 which states that:
  - a. Dogs are allowed in Section B at Memorial Field from 8:00 am to 11:00 am and 3:00 pm to 7:00 pm seven days a week, and
  - b. No dogs are allowed in Section A at any time.
- 2) Approve the language and installation of a Good Neighbor sign at Memorial Park Section B.

Penelope Leach, Recreation & Community Services Director/Assistant City Manager delivered the staff report. The Parks and Recreation Commission has been working with the community and the Dog Ad Hoc Committee since June 2012 in an effort to develop recommendations to Council for the future use and maintenance of Section B at Memorial Park. There are multiple interests on the future use of the park by the community including those that would like the ability for dogs to use the park at all times and those that would like to further limit the ability for dogs to use the park. The Parks and Recreation Commission asked the Ad Hoc Dog Task Force with work with a working group to review the issues at Memorial Park Section B, and they identified a number of usage alternatives. The Park and Recreation Commission aimed for a compromise between the interest groups and recommended that dogs be allowed in Section B from 8am-11am and 3pm-7pm seven days a week, and not allowed in Section A at any time, and that a Good Neighbor Policy be adopted, with signage of the policy requirements posted at the park. The Police Chief has suggested consistent hours for usage and posted signage.

A summary of Council questions comments is as follows: questioned enforcement ability by the Police Department; questioned how many altercations the Police Department have

responded to; asked about the maintenance fees associated with the site and potential additional costs; asked what the average number of dogs on the field is per day.

Director Leach confirmed that the Police Department would have the authority to issue a citation to those that violate the designated times/areas of usage.

Police Chief Mike McQuiston indicated the Ordinance in violation would be a violation of Municipal Code Section 10-4.2b.

Director Leach reported that maintenance costs would involve regeneration of the grass, and that the number of dogs at the park vary on a day to day basis.

The following people spoke: Don Carey; Kamala Powell; Richard Lockwick; May; Charlotte Rubins; Kelly Bush; Brian Young; Leslie Zafarie; Jeanie Lee; Winnie Costand, Stacy Shuto; Jennifer Ludwick; Jeff Shipley; Brian Ruck; Joan Larson; Catherine Cobletsky; Steve Vernon.

A summary of comments is as follows: complaints are generally made by two people in the area; encourage Council to adopt the Good Neighbor Rules, and 340 residents have signed a petition supporting the Rules; support for dog usage with reasonable hours at Section B; expressed support for no dog usage at Section B; expressed preference for extending the hours for dog usage at the park and do not support the proposed split hours; expressed support for a continuous block of hours for dog usage, particularly on the weekends; support a multi-use park; interest in better access to the site with opened gates; support for dog use of Section A; support for signage identifying usage rules; support for excluding dogs from Section A; concern over lack of casual recreation playing fields due to dog usage at Section B; noise issues can occur in the early morning hours and late at night; noise issue is throughout the park.

A summary of Council comments is as follows: support for not allowing dog usage at Section A of the park; support for a multi-use park; interest in upgrading Section B for recreational uses and interest in posting the Good Neighbor Rules; suggested amending the Good Neighbor Rules to include additional rules such as those at Point Isabel; Support for a continuous block of hours; Support for improving grass at the site. Appreciation for the work on the issue and interest in identifying a workable compromise. Suggested a subcommittee to work on expanding the Good Neighbor Rules, and to return with the draft Good Neighbor Rules in two weeks.

**MOTION:**

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

- 1) Approve Resolution No. 2012-69, with the following amendments:  
That the hours will be 11 – 8 pm, to be revisited by the Council in six months; and
- 2) Approve the posting of a Good Neighbor sign at Memorial Park Section B, with the proposed language amended to include the following items: no more than two dogs per person, dog owners must carry a leash for each dog, all digging should be discouraged, dogs that become aggressive must be removed immediately, any dog causing injury to a person or animal must provide identification to the victim, no continuous barking - all barking should be

discouraged, all dogs must have current licenses and vaccines, and that language match the language posted at Point Isabel.

Police Chief McQuiston confirmed with the Council that the Good Neighbor Signage would not be enforceable by the Police Department.

Mayor Javandel polled the audience to determine what block of time was most suitable.

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. City Council Policies and Rules of Procedure and Order**

Staff recommendation: That Council:

- 1) Approve Resolution No. 2012-65 adopting the City Council Policies and Rules of Procedure and Order.
- 2) Approve Resolution No. 2012-74 adopting the City Council Administrative Policies.

City Manager Beth Pollard delivered the staff report. The City Council Policies and Rules of Procedure and Order as well as the City's Administrative Policies have been updated and reorganized to provide for a distinction between policies and procedures specific to the City Council and City Council Members, policies that govern and guide the functioning of City operations, and administrative procedures that implement the Council administrative policies and that can be updated on a routine basis.

The documents now include: City Council Policies and Rules of Procedure and Order; City Council Administrative Policies; and the Administrative Procedures Manual.

Pollard reviewed the new items included in the policies including: a policy for Council Members to appoint three stand-by officers to serve in their place should they become unable to attend meetings or otherwise perform their duties in the event of a city emergency per Government Code Section 8635-8644, guidelines for use of social media, Clarification of City Advisory Body attendance expectations and definition of excessive absenteeism, and change in authority for rejection of claims from City Council consent agenda item to City Manager.

A summary of Council questions comments is as follows: asked for clarification regarding excessive absenteeism from Advisory Bodies; expressed interest in maintaining rejection of claims information on Council agendas, expressed concern regarding identification of standby officers.

The following people spoke: Paul O'Curry, Alexa Hauser.

A summary of comments is as follows: suggested the most suitable replacements for Council Members could be the members of the Planning & Zoning Commission, interest in allowing additional public input after the Council has debated an item.

**MOTION:**

Moved by Council Member Thomsen, seconded by Vice Mayor Atkinson to

- 1) Approve Resolution No. 2012-65 adopting the City Council Policies and Rules of Procedure and Order.

AYES: Council Member Thomsen, Vice Mayor Atkinson, Mayor Javandel.

ABSENT: None

NOES: Council Members Lieber, Wile.

Motion carried and so ordered.

**MOTION:**

Moved by Council Member Lieber seconded by Council Member Wile to refer the matter of stand-by officers per Government Code Sections 8635-8644 to the Charter Review Committee for pro/con analysis and suggestions on whether the item should be included in the Charter.

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

**MOTION:**

Moved by Council Member Lieber, seconded by Council Member Thomsen to approve Resolution No. 2012-74, with stipulation that rejected claims be included as an informational item on the City Council Consent Calendar, and changes to the policy regarding Advisory Body absences to allow for removal of a member after 3 unexcused absences, or 4 absences (excused or unexcused) in a 12-month period, and removal for a Planning & Zoning Commission Member after six absences.

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

**9. ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY  
NEW BUSINESS**

- 9-1.** Converting the City Manager’s voluntary pay cut to administrative leave in fiscal year 2012-13

Chair Javandel recommendation: That the Board of Directors convert the City Manager’s voluntary pay cut to administrative leave for fiscal year 2012-13.

**MOTION:**

Moved by Vice Chair Atkinson, seconded by Board Member Wile to convert the City Manager’s voluntary pay cut to administrative leave for fiscal year 2012-13.

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

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

Council Member Wile announced the Alameda Food Bank collection drive, and also announced that the single use bag ban will be in effect in January.

Vice Mayor Atkinson announced the collection of coats, food, and toys at the Community Center.

Council Member Lieber and Mayor Javandel expressed appreciation to the Council for how well the group has worked together.

- 10-1.** Special Meeting, **December 10**, 7:00 pm, Council Chamber: Canvass results of the November 6, 2012 Municipal Election, Recognize outgoing Council Members Javandel and Lieber, and Swearing-In Ceremony for Newly Elected Officials.

- 10-2.** “Complete Streets” Community Planning of San Pablo Avenue and Buchanan Street. All sessions take place at Ocean View School Multi-Purpose Room, 1000 Jackson Street:

Thursday, **December 6**, 7-9 pm: Kickoff Community Meeting, by Dan Burden

Saturday, **December 8**, 9 am – 2 pm: Community Walk & Design Workshop


Wednesday, **December 12**, 7-8:30: Presentation of Plan Concepts



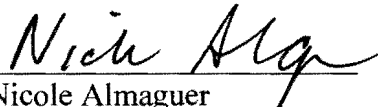
**11. ADJOURNMENT**

10:22 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.

  
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Farid Javandel  
Mayor

Attest:

  
\_\_\_\_\_  
Nicole Almaguer  
City Clerk