

NOTE: These minutes are subject to Council approval and are not verbatim; however, tapes are available for public review.

MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION, 1000 SAN PABLO AVENUE
MONDAY, FEBRUARY 2, 2004

8:00 p.m.

Mayor Ely who led the Pledge of Allegiance to the Flag called the regular meeting of the Albany City Council to order on the above date.

ROLL CALL

Present: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely
Absent: None

STAFF PRESENT

Beth Pollard, City Administrator; Robert Zweben, City Attorney; Jacqueline Bucholz, City Clerk; Ann Chaney, Community Development Director; Judy Lieberman, Assistant to the City Administrator; John Medlock, Maintenance Supervisor.

3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

4. OATH OF OFFICE

4-1. Oath of Office to Sergeant Pagsolingan.

The Chief of Police introduced Sergeant Pagsolingan and gave a brief history of his accomplishments. The City Clerk issued the Oath of Office and Sergeant Pagsolingan's Father pinned the new badge on his uniform.

Council Member Maris took this time to thank the members of the Albany Police Department for their quick, efficient handling of the riot that took place at Monteros last year noting that the City of San Francisco experienced the same problem with the same promoter a couple of weeks ago.

5. CONSENT CALENDAR

(Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.)

5-1. City Council minutes, January 20, 2004.

Staff recommendation: Approve.

5-2. a. Ratification of City of Albany net payroll in the amount of \$165,832.44; tax & benefits in the amount of \$150,133.74. Total payroll in the amount of \$315,966.18. Payroll period. 01/23/04.

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$36,171.48; tax & benefits in the amount of \$26,869.24. Total payroll in the amount of \$63,040.72; Payroll period: 01/23/04.

Staff recommendation: Ratify.

5-3. a. Ratification of bills, claims & demands against the City of Albany in the amount of \$146,048.40. Period: 01/16/04.
(File #300-40)

Staff recommendation: Ratify.

5-4. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany, as of December 31, 2003, as required by Section 53646 of the California Government Code.
(File #300-10)

Staff recommendation: Information only.

5-5. Ratification of pension payments in the amount of \$105,071.29 for the month of January, 2004.

Staff recommendation: Ratify.

5-6. Resolution #04-2 – A Resolution of the Albany City Council Revising the Stop Sign Warrant Criteria to Allow Installation of All-Way Stop Signs to Allow Signs at Intersection Within 125 Feet of a School or Park Located on a Two-Lane, Undivided, Residential Street.
(File #590-20)

5. CONSENT CALENDAR

5-6. Resolution #04-2 Revision to Stop Sign Criteria.

Staff recommendation: Approve.

Mayor Ely asked if anyone would like to remove an item for discussion and Council Member Good requested that Item 5-6 be removed.

5-6. Resolution #04-2 Revision to Stop Sign Criteria

Council Member Good asked if two warrants were still required for the 125 feet distance and the Community Development Director replied yes.

MOTION:

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

AYES: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely

NOES: None

ABSENT: None

Motion carried and so ordered.

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

7-1. Memorial Park Phase I Improvements

The Project Manager reported that the contract for this project was awarded on May 5, 2003 in the amount of \$503,800.00. The Notice to Proceed on this contract designated June 2, 2003, making the original completion date October 9, 2003.

However, to date a total of 13 contract change orders have been issued with six of them requiring the granting of added time for completing the work. To date, 73 calendar days (2 ½ months) have been added for the Time for Completion, extending the date for completion to December 21, 2003. There has been a total of 34 unworkable days due to rain or excessively wet site conditions.

The Project Manager noted that the project is nearly complete except for the following: Installation of new sod and protective fencing, landscaping and irrigation, drainage, screen walls at the park restrooms, installation of safety fence between the 2-5 year old play area and Carmel Avenue plus a variety of small items.

It was noted that until the sod and the protective fencing is installed plus the remaining items of construction, the park is not really safe for public use. Therefore, the contractor and staff are trying to keep the area closed and inaccessible in order to not contribute to any injury.

Council Member Okawachi stated that she is looking forward to this project being completed but would like clarification on the contract language where it states a 90-day mandatory maintenance period. The Project Manager replied that is just part of the contract between the City and the contractor and is standard language.

7-1. Memorial Park Phase I Improvements

Council Member Maris stated that he is concerned about the lighting at the Veterans Memorial Building noting that it is dangerous coming down the steps, as the visibility is very bad. The Project Manager noted that there are four lights at the square in the park and that underground conduits have been put in for future lighting.

Council Member Maris asked how much the project was costing? The Project Manager responded that the City Engineer's estimate was \$682,000 and the project is costing \$503,800 so it is still within the budget. Council Member Maris thanked staff for the detailed updates during the project.

Council Member Good expressed dissatisfaction with the project stating that he believes the contractor is taking the City for a ride. Council Member Good noted that he understands that work cannot be done during the rain; however, he is concerned that during the good weather last year the contractor did not work. Council Member Good asked staff if they have a log that shows when work was being done and the Project Manager replied that he did have that information.

Mayor Ely questioned staff about the change orders and agreed with Council Member Good that the contractor does not appear to be too energetic in pursuing the project. Mayor Ely noted that he believes the contractor has done a poor job in securing the site, and the City has been lucky that no one has been hurt.

Mayor Ely suggested that signage be put around the area to alert people of the possible danger. Mayor Ely asked what measures have been taken to keep people off the new sod? The Project Manager responded that a plastic fence will be erected and will be the responsibility of the contractor to keep the fence maintained in good condition.

Council Member Maris asked if the drainage is working correctly and the Project Manager replied yes, however, it could be better in some areas and the contractor will work on this before the sod is put down.

Mr. Ray Anderson asked if the park would be ready for the Taste of Albany and the Fourth of July celebrations? The Project Manager responded it probably would not be completed for the June date but believes it will be ready for the Fourth of July. However, it all depends on the weather and how much more rain is expected.

No Council action needed.

8. NEW BUSINESS

The City Clerk announced that the order of the agenda will be changed and Item 8-2 will be heard first.

8-2. Memorial Bench on Solano Avenue
(File #150-90)

The Assistant to the City Administrator reported that Ethel Hansen, the City's first crossing guard, who served the City for 33 years at the corner of Solano and Talbot died on November 7, 2003. The family of Mrs. Hansen wishes to provide the City with a gift of a bench and plaque to be placed at or near the location where Mrs. Hansen was a crossing guard.

8-2. Memorial Bench on Solano Avenue

The Assistant to the City Administrator stated that pursuant to Section 2-27.8 of the Municipal Code the City can accept public gifts and that they are exempt from the City's Purchasing Policy.

The proposed location of the bench is on the southwest corner of Talbot and Solano in front of a bicycle rack located next to the garbage enclosure area that is used by the Albany YMCA Kids Club. The YMCA and the Albany Unified School District have been contacted about this location. The bench would be the same style as the Solano Avenue furniture. The Public Works staff has been working on an overall plan for street furniture and requests for memorials, which will provide suggested guidelines for the placement of appropriate street furniture, as well as recommending guidance for Council on future requests from families.

The Assistant to the City Administrator passed out a catalog with a picture of the proposed bench.

Council Member Good stated that he liked the bench and the idea.

Council Member Maris asked where the nearest bench would be from this location? The Assistant to the City Administrator responded the other benches are in the middle of the block. Council Member Maris stated there are plans to install an information booth in this area and asked if there was room for the bench and the booth? The Assistant to the City Administrator replied that she did not believe the bench would impact the booth.

Council Member Maris reiterated the need for a Policy regarding gifts and memorials. Council Member Maris stated that this is a great idea and noted that Mrs. Hansen contributed to the safety of the children on Solano Avenue.

Council Member Okawachi stated that she has a lot of admiration for the work that the crossing guards perform and noted that she will always remember Mrs. Hansen at her location.

Ms. Jennifer Hansen Romero, Granddaughter of Mrs. Hansen, thanked the Council for accepting this gift and asked if she could leave some handouts requesting donations to this gift.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Maris to accept the memorial bench in memory of Mrs. Hansen, crossing guard.

ON THE QUESTION:

Council Member Thomsen stated that she also agrees that the crossing guards do a wonderful service to the citizens of Albany and that this will be a very nice remembrance of Mrs. Hansen.

Mayor Ely agreed stating that he too admires the work of the crossing guards and thanked the Hansen family for their generosity.

The Public Works Supervisor stated that the proposed bench matches very closely

8-2. Memorial Bench on Solano Avenue

to what is already on Solano Avenue and noted that the current benches are being discontinued.

VOTE ON THE MOTION:

AYES: Council Members Good, Maris, Okawachi, Thomsen & Mayor Ely

NOES: None

ABSENT: None

Motion carried and so ordered.

8-1. Buchanan Street Landscape Improvements

(File #820-20)

The Assistant to the City Administrator reported that there are ten (10) Buchanan Street medians between San Pablo Avenue and the freeway ramp. Unfortunately, over the past ten (10) years the landscaping on these medians has fallen into a state of disrepair due to the failure of the irrigation system. This stretch of Buchanan Street serves as the most visible entryway to the City and a variety of public concerns have been raised about these medians. City maintenance staff does provide regular maintenance, however, due to the lack of water in the summer and fall results in the medians being composed primarily of dirt and weeds.

The Assistant to the City Administrator stated that the City has \$7,500 from Alameda County Waste Management Authority (bay wise landscape) and the City will need to match those funds with \$5,000. The costs of repair and installation will be determined by the proposals.

Council Member Okawachi asked if the funds from Waste Management Authority were definite and the Assistant to the City Administrator responded she had a verbal yes but nothing in writing.

Council Member Maris asked that staff look at the area on Buchanan coming off the freeway, by the USDA building, stating this is an entrance to Albany and would like to see it landscaped and looking nice. The Assistant to the City Administrator responded that it would be a Gateway Project and not just a landscaping project, as it is a major entrance to the City.

Mayor Ely commented that before the new overpass was built there used to be flagpole at that location and would like staff to look into having another one put there. Mayor Ely suggested that community groups be contacted to see whether they would donate the Flag and pole. Council Member Maris noted that he has spoken to the Albany Community Foundation about this and they would be willing to have a fund raising event for this purpose.

Council Member Good asked whether this subject had been before the Planning & Zoning Commission, the Traffic & Safety Commission and the Park & Recreation Commission. Council Member Good asked where this project had originated and the City Administrator replied it was in the Council work plan. The Assistant to the City Administrator stated that once a plan is formulated it should go before various Commissions/Committees.

8-1. Buchanan Street Landscape Improvements

Council Member Thomsen asked if staff had checked into the Waste Management Authority's Implementation funds. The Assistant City Administrator responded that is the plan to apply for the Implementation and Maintenance monies

Mayor Ely stated that maybe the City should not spend a lot of money until it is clear what is going to happen with the State budget and the possible loss of revenue to the City. The Assistant to the City Administrator stated that one reason to work with Waste Management Authority for the maintenance of the landscaping is that this project presents very special problems. Waste Management Authority can provide advice on specific weather conditions and low maintenance plants.

Council Member Thomsen stated that Waste Management Authority work very well with both public and private agencies and their goal is for people to be successful. Council Member Thomsen believes it is in the best interest of the City to work with them and that it will be a win-win situation.

MOTION:

Moved by Council Member Good, seconded by Council Member Thomsen to approve funds and authorize staff to get proposals for irrigation repair and design/build for landscape improvements on ten (10) Buchanan Street medians.

AYES: Council Members Good, Maris, Thomsen, Okawachi & Mayor Ely

NOES: None

ABSENT: None

Motion carried and so ordered.

9. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

9-1. City offices will be closed on **Monday, February 16, 2004**, in observance of President's Day. Therefore, the regular scheduled Council meeting will be held on **Tuesday, February 17, 2004**.

Council Member Maris announced the following: 1) That he and Council Member Okawachi attend a San Pablo Avenue Improvement conference sponsored by Assembly Person Hancock. 2) Noted that members of the Cable Subcommittee went to the offices of the County Supervisors to check out their television equipment that broadcasts the meetings. 3) Informed the Council that yesterday Andy Heffernon and his dog were crossing Marin when a car hit the dog and killed it. The Chief of Police responded that an accident did occur around 6:30 a.m. and the weather conditions were not the best. The Chief noted that the Department is investigating this accident.

The City Administrator announced that tomorrow, February 3rd, 7-9 p.m. a work session has been scheduled at the Community Center to discuss future development at Golden Gate Fields.

10 GOOD OF THE CITY/PUBLIC FORUM

For persons desiring to address the City Council on an item that is not on the agenda please note that City policy limits each speaker to five (5) minutes. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

10. GOOD OF THE CITY/PUBLIC FORUM

Mayor Ely opened the Good of the City/Public Forum and asked if anyone would like to speak.

Mr. Clay Larson noted that he sent an e-mail to the Council regarding a proposed alcohol business on San Pablo Avenue and noted that other cities have enacted zoning ordinance changes to respond to this problem. Mr. Larson stated that Albany's Zoning Ordinance is deficient, as follows: 1) Does not distinguish between restaurant and bars serving alcohol. 2) Does not require a Conditional Use Permit for a liquor store. Mr. Larson commented this is typically done through the zoning ordinance and suggests that the City Council ask staff to look at current alcohol related businesses.

There being no one else wishing to speak Mayor Ely closed the Good of the City/Public Forum.

11. ADJOURNMENT

9:40 p.m. – There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Jacqueline L. Bucholz, City Clerk, CMC.

JON ELY
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK