

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, JULY 26, 2004

6:40 p.m.

Executive Session pursuant to Government Code Section 54956.9 et seq for conference with Legal Counsel to discuss anticipated litigation (one case).

7:15 p.m.

Albany Community Reinvestment Agency (see separate Agenda)

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, Good, 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; Charles Adams, Finance & Administrative Services Director; Kim Denton, City Treasurer; Marc McGinn, Fire Chief; Greg Bone, Police Chief; Judy Lieberman, Assistant to the City Administrator; Ed Phillips, Zoning Consultant; Randy Leptien, Consulting Engineer; Bill Algire, Interim Public Works Manager; various City employees.

3. ANNOUNCEMENT OF EXECUTIVE SESSION ACTION

Mayor Ely announced that no action was taken in the Executive Session.

4. 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.)

- 4-1.** a. City Council minutes, June 21, 28 & July 6, 2004 & notes from the July 6, 2004, Study Session.
Staff recommendation: Approve.

- 4-2.** a. Ratification of City of Albany net payroll in the amount of \$165,819.52; taxes, benefits & withholdings in the amount of \$120,607.82. Total payroll in the amount of \$286,427.34. Payroll period: 07/09/04.

- b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$36,618.40; taxes, benefits & withholdings in the amount of \$23,431.08. Total payroll in the amount of \$60,049.48; Payroll period: 07/09/04.

Staff recommendation: Ratify.

- 4-3.** a. Ratification of bills, claims & demands against the City of Albany in the amount of \$245,120.60. Period: 07/02/04.

- b. Ratification of bills, claims & demands against the City of Albany in the amount of \$3,604.21. Period: 07/06/04.
(File #300-40)

Staff recommendation: Ratify.

- 4-4.** A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of June 30, 2004, as required by Section 53646 of the California Government Code.
(File #300-10)

Staff recommendation: Note and File; Information only.

- 4-5.** Status report on the placement of temporary speed humps on Ordway and Carmel Avenues and a permanent speed hump on Curtis Street.
(File #590-40)

4. CONSENT CALENDAR

Staff recommendation: Information only.

- 4-6.** Recommendation by the Parks & Recreation Commission to approve a proposed memorial tree planting at Memorial Park.
(File #920-60)

Staff recommendation: Approve the recommendation made by the Parks & Recreation Commission to approve the planting of a memorial tree in Memorial Park to commemorate John Sanchez and direct staff to work with the Troop 14 Parents and Scout "Alumni" to complete any requirements necessary, as specified in the policies for volunteer capital projects or gifts to the City as adopted by the Albany City Council on March 1, 2004.

- 4-7.** Purchase of new Fire Department Pickup.
(File #350-20)

Staff recommendation: Authorize the City Administrator to execute an agreement with Broadway Ford Car Sales to purchase one (1) 2005 Ford SD pickup for a price not to exceed \$30,522, which includes sales tax. The purpose of this fire vehicle is to replace the 1989 Chevrolet Cheyenne pickup utilized as a utility vehicle.

- 4-8.** Appropriation of funds for Support of Albany Chamber of Commerce.
(File #330-20)

Staff recommendation: Approve \$18,000 in funds for FY 2004/05 to support the Albany Chamber of Commerce, which is an increase of \$2,000 over the financial support in 2003/04.

- 4-9.** Call for Bids and Contract Award for Interior Repainting and Recarpeting of the Albany Community Center and Repaint portions of the Albany Library.
(File #600-30)

Staff recommendation: Authorize the City Administrator to invite bids and award the contract for interior repainting and recarpeting of the Albany Community Center and repaint portions of the Albany Library.

- 4-10.** Draft concept plan for the design of the sports field at Gilman Street in Berkeley – a Joint Powers Agreement project.
(File #600-40)

4. CONSENT CALENDAR

Staff recommendation: Information only.

- 4-11.** Resolution #04-36 – A Resolution of the Albany City Council Indicating Applicability of Ordinance #04-05. This Resolution expresses the intent of the Albany City Council that Ordinance #04-05 shall apply to any local election conducted by or held through the City of Albany, including School Board Member elections.
(File #630-40)

Staff recommendation: Approve Resolution #04-36.

- 4-12.** Resolution #04-37 – A Resolution of the Albany City Council Adopting the Yearly Tax Rate for the Pension Override Tax to Fund City of Albany Pension Obligations, in accordance with Assembly Bill 377 and Assembly Bill 13. The Tax Rate is adopted for the Fiscal Year Beginning July 2, 2004 and Ending June 30, 2005.
(File #390-85)

Staff recommendation: Approve Resolution #04-37.

- 4-13.** Resolution #04-38 – A Resolution of the Albany City Council Authorizing the City Administrator to Execute the Required Matching Grant Funds of \$48,000 (20%) should the City be awarded the \$192,000 Transportation Funds for Clean Air (TFCA) Regional Grant Request for Phase I of the Marin Avenue Reconfiguration Project, Submitted on June 30, 2004. Total Project Cost is \$240,000.
(File #345-30)

Staff recommendation: Approve Resolution #04-38.

- 4-14.** Resolution #04-40 – A Resolution of the Albany City Council Authorizing the City Administrator to Call for Bids and Award Contract No. 04-08 for the 2004 Access Ramp Project.
(File #600-30)

Staff recommendation: Approve Resolution #04-40.

Mayor Ely asked if anyone would like to remove an item from the Consent Calendar and the following items were removed for discussion: Items 4-5, 4-6, 4-7, 4-8, 4-9 & 4-12.

4. CONSENT CALENDAR

4-5. Temporary Speed Humps

Council Member Good questioned whether Council had agreed upon this action and the City Administrator stated that Council approved the priority list, which included this action.

Council Member Good stated that he would be voting against for the same reasons he has in the past.

4-6. Planting of Tree at Memorial Park

Council Member Maris asked if this tree would be covered by the existing irrigation or if there would be an extra cost? The City Administrator responded that there would need to be extra irrigation and staff would be asking the applicant to pay for it.

4-7. Purchase of New Fire Truck

Council Member Okawachi asked if the City was obligated to take the lowest bid noting that Albany Ford's bid was only over by \$700 and would prefer that the City do business with Albany merchants.

The City Attorney responded that he would need to check the purchasing policy and the City Charter and get back to Council. The City Administrator recommended that this item be put at the end of the agenda for action once staff has obtained the answers.

4-8. Funding for Chamber of Commerce

Council Member Okawachi stated that the Chamber of Commerce was not here tonight to speak on this item, but she believes that due to all the work the Chamber does for the City and the fact that the City supports the Solano Avenue Association each year would recommend that an additional \$1,000 be added to the recommended amount. Council Member Okawachi noted that she certainly supports the Solano Stroll but believes the Chamber of Commerce could use the extra money.

Council Member Maris stated that he would feel comfortable by increasing the amount to \$19,000 and noted that the City definitely gets their money's worth from the Chamber.

Council decided to discuss this item further after approval of the Consent Calendar.

4-9. Community Center/Library Contract

Council Member Maris stated there is a significant increase in the amount requested. The City Administrator replied that after reviewing all the work it was decided that it would be cost effective to do all the work at once rather than in pieces.

The Interim Public Works Manager commented that he is working on the estimate and the painting for the Community Center is approximately \$19,000-\$23,000 and the

4. CONSENT CALENDAR

carpeting is approximately \$18,000 - \$22,000 and it is cost effective to do the Library at the same time for approximately \$9,000 - \$11,000.

Mayor Ely asked if staff had considered using recycled carpet noting that Waste Management Authority has grants for this use and it would be considerably cheaper for the City.

4-12. Pension Override Tax

Council Member Maris asked if Council would be receiving a report to see where the pension plan and the tax is at this time and noted that a portion of the tax is going towards the increase in the PERS Retirement System. The City Administrator responded that when an actuary is done Council would receive that report.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Okawachi to approve the Consent Calendar, as submitted with the exception of Items 4-7 & 4-8.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Maris, seconded by Council Member Okawachi to increase the funding to the Chamber of Commerce to \$19,000.

ON THE QUESTION:

Council Member Thomsen stated that \$2,000 is a large jump in one year and would prefer to approve the \$2,000 this year and be more consistent in the future. Council Member Good noted that staff has thought about the recommended amount during budget discussions and do not believe it a good idea to increase the funding without additional information. Mayor Ely commented that he is surprised that the City is not taking away funds due to budget constraints. Council Member Okawachi stated that she certainly supports the Solano Stroll, and agrees that the City should support the Stroll, but the fact the City gives the Solano Avenue Association \$5,000 every year for one event does not seem equitable. Council Member Maris and Council Member Okawachi both agreed that the additional amount is reasonable.

VOTE ON THE MOTION:

AYES: Council Members Maris & Okawachi

NOES: Council Members Good, Thomsen & Mayor Ely ABSENT: None

Motion Failed

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Good to approve \$18,000 in funding to the Chamber of Commerce.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5-2. 2004 Street Resurfacing Program

and extending the life of the street while reducing the ultimate cost for future rehabilitation.

The following is staff's recommendation: 1) A slurry seal/cape seal treatment; including crack sealing and full-depth patching of approximately 20 street sections for a cost of approximately \$150,000. 2) A full-depth patching project Citywide at specific locations for a cost of approximately \$75,000.

The Community Development Director stated that in future years staff recommends a continued balanced program consisting of a combination of street sealing, street overlays and reconstruction, as necessary, should funding levels permit.

Due to a limited bid period for doing slurry/cape seal work and in the interest of time it is recommended that the City Council take action now to authorize the City Administrator to invite bids, as soon as the design work and bid package preparation are completed and to award a contract to the lowest responsible bidder for construction.

Staff will provide the Council with the final list of streets included in the program after the award of contract and the construction work is anticipated to be completed in late September – early October, 2004.

The Interim Public Works Manager reiterated that the City would continue to proceed with the slurry seal program, which is a maintenance program.

Council Member Okawachi stated that in 2003 the City performed some street repaving and asked which streets were done and the Consulting Engineer replied that Pierce Street and Pomona Avenue were repaved.

Council Member Maris expressed concern about the future of this program noting that the Engineering Report, page 4, indicates that 32% of Albany's streets are in very poor condition and that this program will not address these problems. The Interim Public Works Manager responded that he is recommending continuing with a maintenance program and within the next four (4) years formulate a list for rehabilitation.

Council Member Maris stated that he would like to know what other communities are doing and that the City needs to know what is considered typical. The Interim Public Works Manager responded that Albany is not unusual and that most cities have trouble finding enough money to fix all the streets and noted there is not enough money in the Federal and State budgets to help with this problem.

The City Administrator acknowledged that a maintenance program is an ongoing source of revenue. Council Member Thomsen stated that Albany is not unique and at least the City has a plan to fix the problems bit by bit.

Mr. John Guardalabene, representing Creekside Albany Homeowner's Association, stated that he is requesting the City repave a portion of Tevlin Street, immediately south of Francis Street. Mr. Guardalabene believes there is a serious risk to public safety noting that the street grade is quite steep from Francis Street to the turn-around at 1100 Tevlin Street and is very attractive to children on bicycles. Also, due to the steep grade the deterioration of the street has been accelerating with each winter rains.

Council Member Thomsen presented Resolution #04-39 – A Resolution of the Albany City Council Authorizing the City Administrator to Invite Bids and to Award

5-2. 2004 Street Resurfacing Program

Contracts to the Lowest Responsible Bidders for Construction of the (1) 2004 Street Resurfacing Project and (2) the Citywide Full Depth Patching Project.

MOTION:

After reading the title, and waiving reading of entire Resolution, it was moved by Council Member Thomsen and seconded by Council Member Good to approve Resolution #04-39.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

5-3. Designation of Capital Bond Measure F Funds

(File #320-55)

The City Administrator stated that Council requested an opinion from the City's legal counsel for the Measure F bond issue on whether Measure F funds could be spent to expand the Fire and Police Stations and City Hall. A letter from bond counsel was received and concludes that an expansion of the facilities is an acceptable use of the funds.

However, in the meantime the following occurred: Staff developed a less extensive and less expensive renovation alternative for the Fire and Police Stations and City Hall for consideration. The primary changes are to remove the addition of public works office space to City Hall, to eliminate virtually any modifications to the City Hall area other than seismic retrofit, replacement of the heating/ventilation system and upgrade of the lighting system, and to eliminate most changes to the office area and front access to the Fire Station. In addition, the expanded space in the Police Station is modestly reduced. A rough estimate of this revised project cost is approximately \$4.5 million.

The Parks & Recreation Commission prepared a memo to the City Council urging the allocation of \$4.1 million of Measure F funds for parks and recreation facilities. The 2004 Pavement Analysis was completed, which indicates a backlog of \$8.4 million in pavement projects and recommends a minimum of \$500,000 annually for street improvement and maintenance program.

The City Administrator stated that staff is now recommending the following designation of Measure F funds: 1) Seismic retrofit and renovation of the Fire & Police Stations and City Hall: \$4.53 million, including the \$50,000 spent to date. 2) Pedestrian, bicyclist and motorist safety improvements: \$2 million, including the projection of \$215,000 for 2004 traffic calming projects. 3) Parks and recreation facilities and improvements: \$3.7 million, including the \$300,000 expended on the Memorial Park Phase I Improvement Project. 4) Pavement improvements: \$2 million, including the \$595,000 expended from Measure F on the 2003 paving program and \$250,000 allocated to the 2004 paving program. 5) Bond issuance costs: Estimated at \$270,000. 6) Contingency funds: \$2,000,000.

5-3. Designation of Capital Bond Measure F Funds

The Project Manager put up a proposed drawing of the new plans for the Fire & Police Stations and City Hall and the City Council took a few minutes to look at the drawings.

Council Member Good stated that this list would provide guidance but wanted assurance that there was some flexibility and that it will come back to Council and the City Administrator responded that it would come back, as this is just a budget tool. Council Member Good asked that a drawing be provided that the Council can take home and study and the City Administrator noted that if Council approves the recommendations staff will come back in September or October with more detail.

Mr. Alan Riffer, P&R Commission, stated that this recommendation goes a long way in meeting their objectives and the Commission has endorsed finding additional funding sources.

Mr. Farid Javandel, T&S Commission, stated that staff's recommendations are agreeable to the T&S Commission although they recognize that all their requests are not being funded. The T&S Commission also recognizes the fact that they need to pursue grant funding.

Ms. Susan Moffat, Waterfront Committee, reiterated the need for funding to be used at the Bay Trail. Ms. Moffat noted that if the public does not feel safe in an area they will not use it and stated that parks need people.

The Police Chief stated that he is satisfied with this revision and reiterated the need to have the EOC at City Hall and urged the Council to adopt staff's recommendations.

The Fire Chief agreed with the Police Chief and noted that both the Fire and Police Stations have not been remodeled in 40 years.

Mr. Robert Lieber, stated that he went out and toured the Fire and Police Stations and agrees that they need to be remodeled and that this is a much better proposal. Mr. Lieber commented that the City should not put off the Park & Recreation needs noting that the parks should be made safe before something happens.

Mr. Robert Cheasty, 1603 Marin Avenue, recommended that the Council not go ahead with the plan for the Fire & Police Stations and City Hall stating that the issue before the City Council is the spirit of the passage of Measure F. Mr. Cheasty suggested that this matter go back before the voters for clarification and a more comprehensive approach.

Mr. Brian Parker, 1127 Garfield, stated that he appreciates the work that staff has done to reduce the amount of money to be spent on the Fire & Police Stations and City Hall. However, agreed with the previous speaker that this matter should go back on the ballot and noted it is a question of trust that needs to be addressed.

Mr. Leif Magnuson, Park & Recreation Commission, suggested that the City buy the Veteran's Memorial Building and put some of the City offices there, which would leave extra space at the current buildings.

Mr. David Arkin stated this is a preliminary concept and should not be taken too seriously. Mr. Arkin recommended that a citizen's task force be appointed to explore alternatives including the renovation of the current building.

5-3. Designation of Capital Bond Measure F Funds

Ms. Maureen Crowley stated that she is much happier with the compromise before the Council and disagreed with the previous speaker noting that the City should not be wasting money on committees.

Sergeant Christianson, Albany Peace Officer's Association, supported the plan before the Council and urged them to approve it.

Ms. Susan Moffat agreed that this matter should be taken back to the voters for clarification.

Council Member Thomsen thanked staff for coming up with this compromise and noted that originally she was in favor of doing the project in stages. Council Member Thomsen acknowledged the need for retrofitting and a place where the EOC could be moved to City Hall. Council Member Thomsen stated that Council should approve staff's recommendation and City Hall can always be done at a later time if funding is available.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Good to approve staff's recommendation, as specified at the beginning of the discussion.

ON THE QUESTION:

Council Member Good stated everything that is being proposed is for safety reasons and not luxury and agreed the City should look into purchasing the Veteran's Memorial Building.

Council Member Maris noted that the Park & Recreation allocation without the Veteran's Memorial Building is \$3.4 million and stated that something could be done with the Veteran's Building and the Pierce Street Park. Council Member Maris commented that there is enough money to do something at the Waterfront Trail area.

Council Member Maris stated that the retrofitting of the buildings is a safety issue and feels comfortable with that decision. However, is concerned about the pavement maintenance and would like to have some contingency money available.

Council Member Maris addressed the question of what the voters originally voted for and is concerned that expansion was not included in the passage of this money and stated that he does not believe the letter from the bond counsel addresses this.

Council Member Good disagreed stating that the letter from the bond counsel uses the word "size" and believes that covers expansion of the buildings.

Council Member Okawachi stated that she is pleased that the Park & Recreation Commission supports this compromise.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

9:55 p.m. – Council Recessed

10:00 p.m. – Council Reconvened

5-4. Codornices Creek Restoration Project (File #405-40)

The Assistant to the City Administrator reported that previously Council certified the Mitigated Negative Declaration, approved the allocation of Measure R creek and ball field funds, approved the contract with Waterways Restoration Institute (WRI) for design and construction, authorized the call for bids and reviewed and commented upon the draft Memorandum of Understanding (MOU).

The amount of \$335,000 has been expended in the three fiscal years of 2001/02, 2002/03 and 2003/04 on this project. Of this, approximately \$256,000 has been reimbursed by grants and \$80,000 has been spent from Measure R creek funds.

The Assistant to the City Administrator stated that regarding bids received and expenses still outstanding the low bid received compared favorably to the original Engineer's estimate. The estimate for Reach 1, Phase 1 project is \$900,000 (not including the ball fields) and up to \$774,700 is eligible for reimbursement from the DWR grant funds. Reach 1, Phase 2 is estimated at \$926,700 and funding this phase is dependent upon receiving the Coastal Conservancy grant of \$700,000. Reach 2, from 8th Street to San Pablo Avenue is estimated at \$316,000 and will need additional funding.

The expenditures to date by Task are still within budget and the first task, preliminary planning and design are largely completed with approximately 90% of the budgeted amount expended. The second task, including the CEQA documentation and most of the permit costs, is also largely completed.

The Assistant to the City Administrator noted that costs for the completion of the final design and construction drawings are at about 50% of the total budget. However, the task itself is estimated to be less than 50% completed. The drawings are complete up to 6th Street, the remaining length of the creek up to San Pablo remains to be finalized. The first portion of the project was presumed to be the most difficult due to the two bridges and the ball field related mediations and the entire project would probably go over the initial budget estimate by the completion of the project at San Pablo Avenue.

The Community Development Director spoke to the Council noting that permits have been obtained from the Corps of Engineers, State Fish and Game, Regional Water Quality Control Board and NOAA Fisheries.

The Union Pacific Railroad has agreed to construct five new culverts that will carry the same amount of flow as the San Pablo Avenue culvert (i.e. 600 cubic feet per second or cfs). Several of the culverts will be closed off until such time as the culverts under I-80 can be enlarged. During these discussions the resource agencies also made it clear to Albany and Berkeley that they wanted commitments to improve the stretch of creek between UPRR and I-80. Specifically, they have requested a Letter of Intent that City staff would support creek improvements below the railroad.

The Community Development Director went over the Immediate Plan, the Short Term Plan (12 months) and the Long Term Plan (5 years). Sealed bids for Reach 1, Phase I (Union Pacific Railroad to just west of Fifth Street) were received, as follows: \$768,820, \$792,366 and \$1,394,000. The Engineer's estimate was \$822,000. Staff checked on the low bidder and received positive feedback.

5-4. Codornices Creek Restoration Project

This project and the M.O.U represent a joint effort by the City of Albany, the University of California (University Village) and the City of Berkeley. The MOU between the three (3) Agencies is the instrument wherein agreements about the work to be performed, rights of access, and maintenance are provided. ;./;/

The Assistant to the City Administrator stated before Council tonight is an Amendment #1 to Contract 04-02, Waterways Restoration Institute. The scope of work for contract 04-02 with WRI did not include a number of tasks, which have arisen over the course of document preparation for the Codornices project. A project amendment would add these items to the scope and adjust the contract amount by \$105,700 to \$166,700. As noted previously, funding for this phase of the project include Measure R funds and a grant from the California Department of Water Resources. The total available grant funding for this phase is \$774,699 and the remaining costs of approximately \$176,000 will be paid from Measure R funds. There are no General Funds budgeted from this project other than staff time.

Ms. Debra Chernin, City of Berkeley, stated that Berkeley has put \$677,000 into an escrow account so that they can provide funding to the project, including the funds for maintenance to be deposited into the joint creek account and noted that the Berkeley City Council has signed the M.O.U. The Assistant to the City Administrator stated that the University of California Berkeley has provided a letter indicating that they will be signing the M.O.U by August 6, 2004.

Council Member Maris expressed concern about the Contract Amendment #04-02 noting it was a large amount of money and asked if sufficient documentation had been provided to justify the additional money.

Drew Goetting, WRI, stated that the original estimate that was given was done early in the process and done very quickly and noted this is typical during the design process.

Council Member Thomsen questioned the amount of money stating she can account for an extra \$75,000 - \$80,000 but what is the rest of money going for? The Assistant to the City Administrator responded that she would go back and double-check the figures.

Council Member Maris stated that he is uncomfortable approving the amount until he has looked at all the bills. Drew Goetting, WRI, stated that he would provide Council with whatever background material they need.

Mayor Ely agreed stating that he would like to see actual documentation and noted that the figures are unsubstantiated. The Assistant to the City Administrator suggested that a partial amount be approved and that staff will come back in September with better figures to support the requested Amendment to the contract.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Maris to continue the meeting for 15 minutes and adjourn at 11:15 p.m.

Motion carried and so ordered.

5-4. Codornices Creek Restoration Project

Mr. Richard Cross, Kains Avenue, stated this is a very important step forward and noted that there are a lot of advantages in restoration of a natural waterway. Mr. Cross indicated this project would benefit the City regionally and provide the residents with better flood control and restoring fisheries in the San Francisco Bay. Mr. Cross suggested that other agencies be involved in sharing the costs noting this is a very important element of the Watershed Plan.

Mr. David Arkin, representing the Albany/Berkeley Girls Softball League, thanked the Council for getting the ball fields completed.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Good to approve staff's recommendations 1-3, as follows: 1) Approve the Memorandum of Understanding between the cities of Albany, Berkeley and the University of California. 2) Authorize the City Administrator to execute Contract #03-07 with Performance Excavators, Inc., in the amount of \$768,820.00 for the Lower Codornices Creek Restoration Project. 3) Authorize the City Administrator to enter into an agreement with Target and Union Pacific Railroad to reimburse the City for dewatering and fish relocation.

ON THE QUESTION:

The Assistant to the City Administrator asked that a correction be made to the agreement on page 4f – 3rd line, add the words “reimbursable activities”.

Maker and second of the motion agreed to the added language.

VOTE ON THE MOTION:

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

NOES: None

ABSENT: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Maris, seconded by Council Member Thomsen to approve a partial payment of \$55,000 for WRI and that appropriate documentation be provided.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

4-7. Purchase of Fire Truck

The City Attorney stated that he looked at the Purchasing Policy and any item over \$10,000 must go out to bid, however, does not state that the Council must award to the lowest bidder.

4-7. Purchase of Fire Truck

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Good that the bid be awarded in the amount of \$30,522 and authorized the Fire Chief to speak with Albany Ford to see if they can meet that price.

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

NOES: None

ABSENT: None

Motion carried and so ordered.

6. NEW BUSINESS

7. PRESENTATION/PUBLIC HEARING

The Council reached consensus that Item 7-1 – Proposed Revisions to the Zoning Ordinance and Proposed Amendments to the Land Use Element of the General Plan be continued to the special meeting on August 30, 2004.

8. OTHER BUSINESS/ANNOUNCEMENT OF EVENTS

8-1. The regular scheduled City Council meetings for the month of August have been cancelled in accordance with Resolution #03-56. A special meeting has been scheduled for **Monday, August 30, 2004, to discuss the proposed revisions to the Zoning Ordinance.**

Council Member Maris announced that he drove by Evan Flavell’s house on Solano Avenue and is happy to report that it is finally painted.

9. 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.

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

Ms. Kristina Osborne, 818 Adams, spoke on the purchase of the new fire truck expressing concern that the City make every effort to support local Albany businesses and was pleased to see that the Council took the action that they did on this matter.

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

10. ADJOURNMENT

11:20 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, CMC, City Clerk.

JON ELY
MAYOR

ATTEST:

JACQUELINE L. BUCHOLZ, CMC
CITY CLERK