

Date Approved: April 2, 2012

CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MARCH 19, 2012

6:30 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

The following people spoke regarding the closed session item: Clay Larson, David Sanger, Michael Barnes, Robert Outis.

A summary of comments is as follows: identified new federal legislation from the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Act"), Section 6409 which exempts collocations and modifications from local discretionary review. Questioned how this new legislation affects Albany and further suggested that this strengthens the City's pending case with Verizon Wireless; urged the Council to resolve the pending lawsuit; urged the Council to keep track of the legal costs associated with the lawsuit. The City should change the current ordinance to reflect the federal law changes, utilize the Orinda Wireless Ordinance as a sample; urged the Council to fix the ordinance.

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; Police Chief Mike McQuiston; Lt. Dan Adams; Judy Lieberman, Project Manager; Jeff Bond, Community Development Director; Randy Leptien, City Engineer; Aleida Andriano-Chavez, Transportation Planner; Nicole Almaguer, City Clerk.

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

Craig Labadie, City Attorney reported that Council provided direction to legal counsel regarding the litigation.

4. CONSENT CALENDAR

4-1. Minutes, March 5, 2012

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$ 200,856.83; taxes, benefits & withholdings in the amount of \$275,511.21. Total payroll in the amount of \$476,368.04. Payroll period: 2/24/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,736.21; taxes, benefits & withholdings in the amount of \$52,872.29. Total payroll in the amount of \$98,608.50. Payroll period: 2/24/2012

Staff recommendation: Ratify.

4-3. Purchase of Police Department Radios for Operation on the East Bay Regional Communications System (EBRCS)

Staff recommendation: Staff recommends that the City Council authorize the purchase of thirty-seven (37) Motorola APX6000 portable radios and fourteen (14) Motorola APX6500 mobile radios in the amount of \$193,491.49 from Motorola Solutions, Inc.

4-4. Golden Gate Fields Donation

Staff recommendation: That Council accept the donation to the Recreation and Community Services Department from Golden Gate Fields in the amount of \$1,000.

4-5. Authorize staff, for a period of three years, to issue Street Event Encroachment permits to allow a street closure for the Solano Stroll and for the annual Little League

Parade; waive encroachment permit fees for the events; and waive fees for cost of public safety personnel and City maintenance services.

Staff recommendation: That the Albany City Council:

- 1) Authorize staff, for a period of three years, to issue Street Event Encroachment Permits to the Solano Avenue Association to allow a street closure for the Solano Stroll and to Albany Little League to allow a street closure for the Annual Little League parade;
- 2) Waive encroachment permit fees for each event; and
- 3) Waive fees for cost of public safety personnel and City maintenance services.

Mayor Javandel asked if anyone would like to remove an item. Item 4-4 was pulled for discussion by Vice Mayor Atkinson. Item 4-5 was pulled for discussion by Council Member Thomsen.

Regarding item 4-4, City Manager Beth Pollard reported that Golden Gate Fields provided an unsolicited \$1,000 donation to the City's Recreation Department.

Regarding item 4-5, Council Member Thomsen added that the authorization include the language identified in the staff report: If the nature of the events were to change significantly, or if currently unforeseen policy issues arise, staff would refer the application back to the City Council for consideration.

The following people spoke: Peggy McQuaid.

A summary of the comments is as follows: the two events should not be combined together for approval. The funding provided to the Stroll is substantial and should be reviewed further given budget issues.

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.

Council Member Wile announced that March is the fundraising month for the Albany YMCA.

Vice Mayor Atkinson announced that her nephew is running for City Council in the City of Irvine.

6. PRESENTATION/PUBLIC HEARING

- 6-1. Safe Routes to School Project (SR2S) for the Marin Avenue-Santa Fe Avenue Intersection and Pedestrian Improvements around Marin Elementary School

Traffic & Safety Commission recommendation: That the City Council authorize the Call for Bids for construction of this project.

Staff recommendation: Staff recommends the following actions:

- 1) Approve Final Plans for the SR2S project Marin Avenue-Santa Fe Avenue Signal and Intersection Improvements, Contract No. C12-3 and authorize the City Clerk to call for bids.
- 2) Approve a \$263,571 increase in budget for this Project (CIP Project P64).

Council Member Wile recused herself due to the proximity of her residence to the project.

Community Development Director Jeff Bond delivered the staff report and reviewed excerpts from the final plans for the SR2S project at Marin Avenue and Santa Fe Avenue. The project was identified as a high priority traffic safety improvement in the City's Traffic Management Plan from May 2000, and the City's Active Transportation Plan. Staff has been working on project design options with the Traffic & Safety Commission (Commission) and the community since 2010. In January 2012, the Commission reviewed and approved a recommendation to Council regarding final plans and to authorize the Call for Bids.

The proposed final plans have an impact on the residence on the northeast corner of the intersection and a portion of the front yard and planter strip would need to be incorporated into the project. The area is public right of way. Improvements to the sidewalk along the east side of the school on Curtis Street have been removed from this project and will be conducted as part of the next phase of the program. The project schedule requires a call for bids in March with a contract awarded no later than May so construction can occur during the summer. The current total cost estimate for the project is \$900,000, requiring an additional \$263,571 in funds, requiring an amendment/reallocation to the current capital improvement projects budget.

Mayor Javandel opened the public hearing.

The following people spoke on this item: Allan Bolte, Preston Jordan, Emilie Raguso. A summary of the comments is as follows: concern regarding loss of planting strip and several feet of land in front of residence, including damage to recently installed sprinkler system; support for the project; correction regarding Patch article referencing location of speed hump.

Community Development Director Bond confirmed the City would reconfigure and repair the sprinkler system at the impacted residence due to the project. A summary of the Council comments is as follows: clarification that the property adjacent to the residence is public right of way, and that there is no taking of private property; confirmation that the impacted sprinkler system would be restored; confirmation that the right turn light would correspond to school hours and that the no turn on right

signs would be removed; support for the project given the major safety issues and large number of pedestrians using the intersection during school hours.

MOTION:

Moved by Council Member Lieber, seconded by Vice Mayor Atkinson to Approve Final Plans for the SR2S project Marin Avenue-Santa Fe Avenue Signal and Intersection Improvements, Contract No. C12-3 and authorize the City Clerk to call for bids; and approve a \$263,571 increase in budget for this Project (CIP Project P64).

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

NOES: None.

RECUSED: Council Member Wile.

Motion carried and so ordered.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

8-1. Charter Review Committee 2012 Work Plan and Election Methods Review Update

Staff recommendation: That the Council receive and provide any comments or direction on the 2012 Charter Review committee Work Plan and corresponding update regarding the Committee's review of election methods.

City Clerk Nicole Almaguer delivered the staff report and introduced Preston Jordan, representing the Charter Review Committee (Committee), to provide an overview of the 2012 Work Plan and an update regarding the Committee's review of election methods. Jordan reported that the Committee is in the preliminary stages of reviewing election methods. The Committee is working to provide updates to the Council and the Board of Education regarding this item. A subsequent update will be provided when the Committee is closer to completing their review. Jordan also raised the question as to whether the election method can be revised via Ordinance or whether it is subject to a Charter amendment.

A summary of the Council comments is as follows: Thomsen asked about questions she raised with Committee previously and provided another copy of the questions for the Committee to analyze as part of the election methods review.

It was also asked that the City Attorney review the question of how the election method can be amended, whether it is a Charter amendment or via Ordinance.

8-2. Appointment of Members to the Oversight Board of the Successor Agency to the former Albany Community Reinvestment Agency.

Staff recommendation:

- 1) That the Vice Mayor appoint a Council Member to the Oversight Board of the Successor Agency to represent the City of Albany; and
- 2) That the Vice Mayor appoint Beth Pollard to the Oversight Board of the Successor Agency to represent employees of the former Albany Community Reinvestment Agency
- 3) That Council adopt Resolution No. 2012-17 ratifying the Vice-Mayor's appointment of the aforementioned two members to the Oversight Board of the Successor Agency to the former Albany Community Reinvestment Agency.

Mayor Javandel and Council Member Thomsen recused themselves from this item due to the proximity of their residences to particular projects within the former reinvestment agency.

City Manager Beth Pollard delivered the staff report. The Dissolution Act ABx1 26 requires an Oversight Board be established for each former redevelopment agency's Successor Agency. The Oversight Board consists of seven members appointed by 1) the County Board of Supervisors (two members) which will include Supervisor Keith Carson as one of the two appointees, County Board of Education (one member) – Superintendent Marla Stephenson, Chancellor of California Community Colleges (one member), Largest special district taxing entity (one member) – appointee from AC Transit, Mayor of the City, and a former redevelopment agency employee appointed by the Mayor.

It is recommended that Vice Mayor Atkinson make the appointments, and that they be ratified via Resolution by the Council. The Oversight Board appointees will serve until June 30, 2016. All of the Oversight Boards will be consolidated into a single countywide Oversight Board by on July 1, 2016.

A summary of the Council comments is as follows: Council Member Lieber expressed interest in serving on the Oversight Board, and expressed support for City Manager Pollard serving on the Board.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile adopt Resolution No. 2012-17 ratifying the Vice-Mayor's appointment of Council Member Lieber and City Manager Beth Pollard to the Oversight Board of the Successor Agency to the former Albany Community Reinvestment Agency.

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

ABSENT: None. NOES: None.

RECUSED: Mayor Javandel, Council Member Thomsen.

Motion carried and so ordered.

- 8-3. Appointment to City of Berkeley/Albany Mental Health Commission

Staff Recommendation: That Council consider authorizing the appointment of Harriett Patterson to the Berkeley/Albany Mental Health Commission for approval by the City of Berkeley City Council.

City Clerk Nicole Almaguer delivered the staff report. As identified in Resolution No. 08-50 the City Council is to review applications and select the recommended applicants for appointment to the Berkeley/Albany Mental Health Commission. An application has been received by Albany resident Harriett Patterson. The City Clerk will forward action taken by the Council to the City of Berkeley City Council for appointment.

MOTION:

Moved by Vice Mayor Atkinson, seconded by Council Member Wile

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

NOES: None.

Motion carried and so ordered.

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

Vice Mayor Atkinson announced that the Senior Center will be holding a White Elephant sale in April.

Mayor Javandel announced the Albany Little League Parade will occur on Saturday at 9am, and that Persian New Year begins at 10:14 this evening.

10. ADJOURNMENT

8:37 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