



CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE MONDAY, JUNE 18, 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 on the following items:

1. 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 Mobilnet of California Limited Partnership, a California limited partnership
d/b/a Verizon Wireless vs. City of Albany Case No. 11-6155.
2. Conference with Legal Counsel pursuant to Government Code Section 54956.9(b) to
discuss potential litigation arising out of pending wireless facility application
submitted by AT&T.

The following people spoke on the above items: Bob Outis, Clay Larson, Michael Barnes, David Sanger.

A summary of comments is as follows: request for clarification regarding circumstances for closed session, interest in an open process, concern regarding litigation costs to the City, non-conforming issues were identified with the AT&T application.

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, Mayor Javandel

Absent: Vice Mayor Atkinson (excused)

Staff Present: Beth Pollard, City Manager; Craig Labadie, City Attorney; Anne Hsu, Deputy City Clerk; Nicole Almaguer, City Clerk; Charles Adams, Finance and Administrative Services Director; Penelope Leach, Assistant City Manager; Judy Lieberman, Projects Director; Randy Leptien, City Engineer; Aleida Andrino-Chavez, Transportation Planner; Kim Denton, City Treasurer; Brian Crudo, Fire Marshall; Mike McQuiston, Police Chief; Richard Cunningham, Public Works Manager.

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

Mayor Javandel reported that the Council received information regarding items 1 and 2, and that no action was taken.

4. CONSENT CALENDAR**4-1. Minutes, June 4, 2012**

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$ 210,260.70; taxes, benefits & withholdings in the amount of \$181,199.00 . Total payroll in the amount of \$391,459.70. Payroll period: 6/01/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$48,252.51; taxes, benefits & withholdings in the amount of \$34,660.25. Total payroll in the amount of \$82,912.76. Payroll period: 6/01/2012

Staff recommendation: Ratify.

4-3. Resolution No. 2012-37 - A Resolution of the Albany City Council adopting the yearly tax rate for the pension override tax to fund City Police and Fire pension obligations

Staff recommendation: Approve Resolution No. 2012-37, a Resolution of the Albany City Council adopting the yearly tax rate for the pension plans of the City of Albany submitted and approved by the Albany City Council in accordance with Assembly Bill 377 and Assembly Bill 13, the tax rate adopted is for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

4-4. Scheduling of a Public Hearings for Master Fee Schedule

Staff recommendation: That Council schedule a Public Hearing for the City Council meeting of July 2, 2012 (previously scheduled for June 18, 2012) on the proposed Master Fee Schedule to become effective July 3, 2012.

4-5. Resolution setting the meeting dates of the Planning & Zoning Commission

Staff recommendation: That Council adopt Resolution No. 2012-27, setting the meeting dates of the Planning & Zoning Commission.

4-6. Resolution No. 2012-38, Establishing Rules for the November 6, 2012 Election

Staff recommendation: That the Council adopt Resolution No. 2012-38, Establishing Rules for the Conduct of the November 6, 2012 Election.

4-7. KALB Community Center control room upgrade 2012/13

Community Media Access Committee and staff recommendation: Approve \$30,000 in funding from KALB PEG (Public, Educational and Government) cable channel franchise fees for upgrade of KALB control room system in the Albany Community Center.

4-8. Temporary Street Closures, July 4, 2012

a. Temporary Closure of Buchanan Street on July 4, 2012

Staff recommendation: That Council authorize the temporary closure of Buchanan Street west of the I-80/580 freeway interchange on July 4, 2012 from 5:30 p.m. to 10:00 p.m.

b. Temporary Street Closure around Memorial Park for July 4 Celebration

Staff recommendation: That Council authorize the closure of a two-block area of Portland Avenue between Carmel Avenue and Pomona Avenue in front of Memorial Park on July 4, 2012 from 8 AM –5 PM for the City's July 4th celebration in 2012, 2013 and 2014.

4-9. 2012 Pavement Rehabilitation Project: Spokane Avenue from Brighton Avenue to Portland Avenue, and Portland Avenue from Masonic Avenue to Key Route Boulevard.

Staff recommendation: Adopt Resolution No. 2012-39: Approving plans, finding project to be Categorically Exempt under CEQA, calling for Bids, and authorizing the City Manager to Award a Contract (Contract No. C12-9) for the 2012 Paving Project, to the lowest responsible bidder for an amount not to exceed \$416,000.

Mayor Javandel asked if anyone would like to remove an item. Item 4-9 was pulled from the Consent Calendar for discussion.

The following people spoke: Preston Jordan, Nick Pilch, Ken McCroskey, Peggy McQuaid.

A summary of comments is as follows: concerns regarding ramp standard and potential trip hazard of retaining wall, request for rounded/truncated retaining wall, request that curb ramps are double ramps to allow for ease of crossing and wheelchair accessibility.

City Engineer Randy Leptien responded that he is looking into the use of rounded retaining walls and will utilize when possible, however there are circumstances when there is a right-of-way issue depending on extent of public property. Double ramps are also being researched and will be utilized when the dimensions allow adequate space for the double ramp.

A summary of Council comments is as follows: support for rounded retaining walls and double ramps when possible.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Wile to approve the Consent Calendar, with the edit to Resolution 2012-39 to change Public Works Manager to City Engineer.

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

ABSENT: Vice Mayor Atkinson

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: Penelope Leach; Ibrahim Moss, Eden in Oakland; A summary of comments is as follows: Announced upcoming 4th of July event, submittal of a letter regarding urban agriculture at the Gill Tract.

City Manager Beth Pollard announced the appeal of the AT&T Appeal will be on the City Council agenda of July 2, 2012; public Pierce Street Park walk through will be held on July 12 at the corner of Cleveland and Washington; the University Village Project is scheduled for the Planning & Zoning Commission on

Wednesday June 27, if the Commission approves the items the City Council will hold a special meeting on July 9 and regular meeting on July 16 for Council action. Staff members Chelle Putzer and Nicole Almaguer recently graduated from the first Alameda County Leadership Academy.

6. PRESENTATION/PUBLIC HEARING

6-1. Operating Budget for Fiscal Year 2012-13

Staff recommendation: That the City Council conduct a public hearing on the draft budget for fiscal year 2012-13, and provide direction to staff for preparation of a final budget to be presented for adoption at the Council meeting of July 16, 2012.

City Manager Beth Pollard delivered the staff report. Finance and Administrative Services Director Charles Adams provided an overview of the proposed budget. The proposed FY 2012-13 budget is balanced and includes additional initiatives based on Council guidance including initiation of a General Plan update budgeted at \$90,000, a homeless task force, and upgrades to information technology. A number of additional priorities include improving disaster response capabilities, enhanced avenues for public information, implementation of City plans, completion of review of UC Village and Safeway projects, a complete streets strategy for improvements to San Pablo, adapting to the dissolution of the redevelopment agency, and the proposed restructuring of the Public Works Manager position and contract City Engineer to a combined Public Works Director/City Engineer.

Fiscal year 2012-12 projected General Fund revenues are 1% greater than the budget for fiscal year 2011-12. The full budget will be provided for Council review on July 16, 2012.

Mayor Javandel opened the public hearing.
There was no public comment on this item.
Mayor Javandel closed the public hearing.

A summary of Council comments is as follows: clarification regarding proposed election expenses.

Director Adams clarified the election costs are related to the upcoming election, which is a two year cycle.

7. UNFINISHED BUSINESS

7-1. Sales tax ballot measure for November 6, 2012 election

Staff recommendation: That Council review the draft ordinance and ballot language for a one-half cent sales tax measure before the voters at the General

Municipal Election of November 6, 2012, and provide direction to staff on ballot wording to bring back to Council in July.

City Manager Pollard delivered the Staff Report. As directed by Council, a random-sample telephone survey was conducted identifying support for a ½ cent sales tax. There are a number of limitations with regard to City programs, projects staff support and implementation of plans due to declining revenues. Declining revenues include an approximate \$1 million decrease in property transfer tax revenue over the course of the last several years.

The City is currently limited to a maximum local additional rate of ½ cent due to the existing sales tax measures approved and applied countywide. State legislation regulates the rate of sales tax voters may approve in their cities.

A sales tax passed in November 2012 would become effective April 1, 2013.

The following people spoke: Caryl O'Keefe

A summary of comments is as follows: interest in a limited term for the proposed sales tax, and that the revenue be utilized to ensure continuation of existing services.

A summary of Council comments is as follows: clarification regarding term of sales tax, and consideration of a time frame between 8 – 10 years.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen that staff return to Council in July with the Resolution and draft Ordinance language for a one-half cent sales tax measure with a term of eight years to put before the Voters at the November 6, 2012 General Election.

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

NOES: None. ABSENT: Vice Mayor Atkinson

Motion carried and so ordered.

- 7-2. Buchanan/ Marin Bikeway Pierce St. to San Pablo Ave, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030

Staff recommendation:

1. Approve Final Plans for Buchanan/ Marin Bikeway Pierce St. to San Pablo Avenue, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030 and authorize the City Manager to call for bids.
2. Appropriate \$328,150 of Measure F 2006 for this project.
3. Authorize the Mayor to sign a letter of appreciation from the City Council to Congresswoman Barbara Lee and Assemblymember Nancy Skinner for their assistance in working with federal and state agencies involved in the project grant and approval processes.

Projects Director Judy Lieberman delivered the staff report. The final plans for the project have been completed. Additional steps are required to receive authorization from Caltrans and to obtain concurrent jurisdictions on certain portions of land owned by the United States Department of Agriculture. At this time the City can call for bids but not receive or open them until the existing encroachment permit with the USDA is upgraded to a right of entry. The concurrent jurisdiction must be approved by the State Lands Commission, which is scheduled to take place on August 8, 2012, after which the right of entry can be approved.

The concern regarding a pedestrian lead off phase at San Pablo will be assessed in the field by CalTrans. Designing in an additional bicycle lane is challenging due to budget and the project schedule based on grant deadlines. Phase 2 of the project includes signal changes, and staff intends to initiate that project shortly to further address pedestrian/bicycle safety concerns.

City Engineer Randy Leptien provided additional detail regarding the design issues.

The following people spoke: Harry Chumsky, Albany Strollers & Rollers; Preston Jordan; Dave Campbell, East Bay Bicycle Coalition; Ken McCrosky, Nick Pilch. A summary of comments is as follows: current plans will make the intersection more hazardous for bicyclists and pedestrians due to right turn lane, provided examples of other projects where cycling lanes exist between the right turn lane and through lane, interest in taking more time to get the potential safety issues corrected, City of Oakland at Bay Street is a good example to utilize, support for approving the project with direction to staff to continue to work on the right turn lane issues.

A summary of Council comments is as follows: support for project, concern regarding funding deadlines, concept of a change order may be more prudent procedure at this point in time, use of a bike box or seeking extra width for the bike lane may be options, importance of ensuring bicycle and pedestrian safety, interest in having all Council members sign the letters to Congresswoman Barbara Lee and Assemblymember Nancy Skinner.

MOTION:

Moved by Council Member Thomsen, seconded by Council Member Lieber to:

1. Approve Final Plans for Buchanan/ Marin Bikeway Pierce St. to San Pablo Avenue, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030 and authorize the City Manager to call for bids.
2. Direct staff to continue to pursue possible ways to improve intersection safety for pedestrians, cyclists and motorists.

3. Appropriate \$328,150 of Measure F 2006 for this project.
4. Authorize all Council Members to sign a letter of appreciation from the City Council to Congresswoman Barbara Lee and Assemblymember Nancy Skinner for their assistance in working with federal and state agencies involved in the project grant and approval processes.

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

NOES: None. ABSENT: Vice Mayor Atkinson.

Motion carried and so ordered.

8. NEW BUSINESS

- 8-1. Letter to Regents of the University of California supporting urban agriculture academic initiatives and community partnerships at the Gill Tract.

Council Members Thomsen and Wile recommendation:

1. That Council authorize the Mayor to sign the attached letter to the Regents of the University of California, as well as the President of the University of California and the Chancellor of the University of California Berkeley, expressing support for University academic initiatives and community partnerships at the Gill Tract.
2. Receive a verbal status report from the Council Subcommittee of Council Members Thomsen and Wile.

The following people spoke: Emilie Raguso, Albany Patch; Jackie Hermes – Fletcher, Eric Larson, Stephanie Thomas, Mara Duncan, Ibrahim Moss.

A summary of comments is as follows: public participation at the meetings, interest in continuing urban farming at the Gill tract, interest in a collaborative and transparent process that involves all interested including the Albany Farm Alliance.

City Attorney Craig Labadie clarified that the group is Ad Hoc Committee is not subject to the Brown Act public meeting requirements.

A summary of Council comments is as follows: Council Member Thomsen reported that they met with UC Berkeley representatives recently. UC Berkeley is watering plants and the next meeting will occur on June 26 to further discuss how to share crops and care for plants. The Dean is interested in hosting a 2-day seminar in the Fall. The Council Subcommittee will continue to keep the Council and public informed regarding status.

Council Member Wile added that opportunities for tritium studies and soil contamination analysis will be researched.

Mayor Javandel added that that the location of the fruit trees should be analyzed to ensure there is not a conflict with right-of-way.

MOTION:

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

authorize the Mayor to sign the attached letter to the Regents of the University of California, as well as the President of the University of California and the Chancellor of the University of California Berkeley, expressing support for University academic initiatives and community partnerships at the Gill Tract.

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

NOES: None. ABSENT: Vice Mayor Atkinson

Motion carried and so ordered.

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

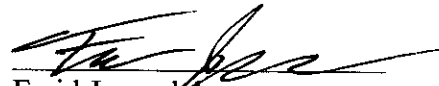
Council Member Thomsen reported that she attended the Sports Fields JPA meeting. The City of Berkeley will be handling field administration going forward.

Council Member Wile commented on the theft of plants from Marin Elementary School and will be working with the community to make donations to replace the plants.

10. ADJOURNMENT

9:27 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