

CITY OF ALBANY

**MINUTES OF THE ALBANY CITY COUNCIL
IN REGULAR SESSION,
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, October 1, 2012**

7:00 p.m.

CLOSED SESSION

CALL TO ORDER

Mayor Javandel called the regular meeting of the Albany City Council to order on the above date.

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) Recruitment, Selection and Appointment of Public Employee, pursuant to Government Code Section 54957(b)(1):
Position: Public Works Director/City Engineer

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 lead 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; Jeff Bond, Community Development Director; Rich Cunningham, Public Works Manager; Nicole Almaguer, City Clerk.

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

Mayor Javandel reported that direction was provided to staff.

4. CONSENT CALENDAR

- 4-1. a. Minutes, September 9, 2012
- b. Minutes, September 24, 2012

Staff recommendation: Approve

- 4-2. a. Ratification of City of Albany net payroll in the amount of \$208,175.19; taxes, benefits & withholdings in the amount of \$174,111.73. Total payroll in the amount of \$382,286.92. Payroll period: 9/7/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$47,048.60; taxes, benefits & withholdings in the amount of \$35,538.02. Total payroll in the amount of \$82,586.62. Payroll period: 9/7/2012

Staff recommendation: Ratify.

- 4-3. Ratification of Police & Fire Pension Plan payments in the amount of \$113,080.77 for the month of September, 2012.

Staff recommendation: Ratify.

- 4-4. A rendering of the quarterly Cash and Investments Treasury Report of the City of Albany as of March 31, 2012, as required by Section 53646 of the California Government Code.

Staff recommendation: Note and file – for information only

- 4-5. Purchase of a Combination Sewer Cleaner

Staff recommendation: That Council approves the purchase of a VacCon Model V230HSA/500 Combination Sewer Cleaner with available Sewer Enterprise Funds.

Mayor Javandel asked if anyone would like to remove an item. Item 4-5 was pulled by Council Member Lieber.

A summary of Council comments is as follows: asked about the price of the sewer cleaner, and what the purpose of the cleaner.

Rich Cunningham, Public Works Manager responded to Council questions, identifying that the existing cleaner is beginning to fall apart and is costly to repair. The new device will run high pressure water into the sewer then direct the water back to the truck. The cleaning aids in removing debris from manholes, and is also used for storm drain cleaning.

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 and the following people spoke: Emilie Raguso, Albany Patch; Catherine Sutton; Ed Fields;

A summary of the comments is as follows: Emilie Raguso will be changing employment and no longer serve as the Patch representative for Albany; there will be a candidate forum for the Board of Education Candidates on October 10th at 7pm at St. Alban's Church, and a forum for the City Council Candidates on October 17th at 7pm at St. Alban's Church; there will be a Transition Albany candidate forum at St. Albans on Tuesday; identified interest in lawsuits regarding CEQA process for University Village project.

Council Member Lieber: reported that he attended a rally with Barbara Lee to encourage people to register to vote, and against suppression of voting, reported that he attended a meeting regarding the East Bay Parks Master Plan and a meeting will be held in Richmond, announced that the name of Eastshore State Park has officially been changed to McLaughlin State Park.

Vice Mayor Atkinson and Mayor Javandel expressed appreciation to staff for the Dinner with Albany event.

City Manager Beth Pollard: expressed appreciation to staff for the Dinner with Albany event, announced the October 13th Albany Fire Department Open House and Pancake Breakfast, announced save the date for Complete Streets community workshops to be held on December 6, 8 and 12 with location to be announced.

6. PRESENTATION/PUBLIC HEARING

- 6-1.** Proclamation: National Chiropractic Month
Mayor Javandel presented the Proclamation to Dr. Charlie Prins of Prins Chiropractic.

7. UNFINISHED BUSINESS**8. NEW BUSINESS**

8-1. Referendum Petition – Ordinance No. 2012-04 Approving University Village Mixed Use Project Development Agreement

Staff recommendation: That Council receive a report from the City Clerk certifying the results of the referendum petition, and direct staff to return with a full analysis of City Council options regarding the referendum.

Nicole Almaguer, City Clerk delivered the staff report. A referendum against City Council Ordinance No. 2012-04 was received on August 16, 2012. Almaguer reported that a prima facie review of signatures was conducted and the petition was accepted for additional examination. Staff requested the Alameda County Registrar of Voters examine the signatures included on the referendum petition to verify a total of 993 signatures from registered Albany voters in accordance with the Election Code. Staff conducted a review of the referendum and petition to confirm compliance with applicable code sections, and determined the referendum as valid. Per the Elections Code Council will need to either repeal the Ordinance or submit it to the voters at an upcoming election. Staff will return to Council at the November 19, 2012 meeting with a full analysis of options for Council consideration.

The following people spoke: Ed Fields; Alexa Houser; Tarina Larsen; speaker; Tina Clubman; Sally Summer; Signe Madson; Eric Larsen; Stephanie Thomas; Catherine Sutton; David Sanger; Caryl O’Keefe; Tod Abbot.

A summary of the comments is as follows: questioned what was included in the development agreement and encouraged the repeal of the Ordinance; expressed concern regarding negative environmental impacts from the project; many that signed the petition wanted more outreach regarding the project; encouraged Council to seek an agricultural easement; analysis of driving impacts does not include concept that a local store would help minimize driving trips of residents driving to other cities to shop; disappointment regarding referendum, circulators distributed inaccurate information, circulators encouraged those signing that the petition would help them get a chance to vote on the issue, now it is being suggested the Ordinance be repealed; the Chamber of Commerce along with a number of other organizations sponsored public meetings regarding the project.

A summary of Council comments is as follows: asked if the item could be brought back to Council the first meeting in November; noted that repeal of the Ordinance would likely not achieve the goals expressed by petition circulators and that the development agreement is not essential for the project to move forward; noted that a significant number of public meetings were held over the course of several years and robust outreach was conducted; noted that the traffic impacts should also take into consideration shorter trips and those that could possibly bike or walk to a store located closer to neighborhoods; interest in making informed decisions based on receiving all facts.

Community Development Director Jeff Bond reported that staff could provide a report for the first meeting in November, however it is uncertain if the University will have developed any feedback by that time.

City Manager Beth Pollard provided the Council with a future meeting schedule up to appointment of new Council Members following the November election, indicating that the current Council will meet through the first meeting in December with a special meeting to swear in new Council Members the second week in December.

8-2. Contract for Wireless Consulting Services

Staff recommendation: That Council authorize staff to enter into a contract with Peter Gruchawka, on a time and materials basis, to provide a summary report based on a review of the existing wireless facilities in the City or located nearby and that provide coverage within the City; a tour of potential locations for new wireless facilities in the City and initial reaction to feasibility of new installations; and a broad overview of industry trends and some preliminary thoughts on what the trends mean for the City.

Jeff Bond, Community Development Director, delivered the staff report. Per Council direction, staff conducted a request for proposals (RFP) for consulting services to assist the City in planning for wireless coverage and facilities. The City received two proposals in response to the RFP from the Center for Municipal Solutions and Kramer Telecom Law Firm. An individual consultant, Peter Gruchawaka has also been identified and it is recommended that Mr. Gruchawaka be selected to conduct the project based on his technical skills and experience. The consultant will review existing wireless facilities in the City or located nearby and provide coverage within the City; provide initial reaction to feasibility of new installation of wireless facilities; and provide a board overview of industry trends and preliminary thoughts on the impact of these trends on the City.

The following people spoke: David Sanger

A summary of the comments is as follows: urged Council to accept the staff recommendation, and encouraged the Council to not retain the Center for Municipal Solutions as it has been reported the group is adversarial.

A summary of Council comments is as follows: interest in adding USDA as a possible site for analysis, interest in timing of the study and whether assistance can be provided from others that have experience in this area.

MOTION:

Moved by Council Member Wile, seconded by Council Member Thomsen to authorize staff to enter into a contract with Peter Gruchawka, on a time and materials basis, to provide a summary report based on a review of the existing wireless facilities in the City or located nearby and that provide coverage within the City; a tour of potential locations for new wireless facilities in the City and

initial reaction to feasibility of new installations; and a broad overview of industry trends and some preliminary thoughts on what the trends mean for the City.

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.

- 9-1.** Open House and Pancake Breakfast, Saturday, October 13th, 8 am to 12 Noon concluding National Fire Prevention Week of October 7th through October 13th.

Mayor Javandel announced that he attended a recent Alameda County Transportation Commission meeting, including discussion of the Association of Bay Area Government (ABAG) regional housing needs assessment and how it will be connected to transportation funding in the future. The regional housing needs will be challenging for cities such as Albany to implement given that the city is already built-out.

City Manager Beth Pollard announced save the date for Complete Streets community workshops to be held on December 6, 8 and 12 with location to be announced.

10. ADJOURNMENT

8:46 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