



CITY OF ALBANY
MINUTES OF THE ALBANY CITY COUNCIL
AND THE ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY
IN REGULAR SESSION,

CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, OCTOBER 15, 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:

- 1) Labor Negotiations pursuant to Government Code Section 54957.6
Agency Negotiator: Aaron Walker, Human Resource Manager
And Glenn Berkheimer, IEDA
Employee Organizations: Albany Peace Officers' Association

- 2) Conference with legal counsel to discuss pending litigation pursuant to Government Code Section 54966.9(a):
 - a) Albany Strollers & Rollers et al. v. City of Albany et al., Alameda County Superior Court, Case No. RG12644244
 - b) Eric Larsen v. City of Albany, Alameda County Superior Court, Case No. RG12644349

7:25 p.m. Albany Municipal Services Joint Powers Authority (JPA) Meeting

JPA1-1. Resolution No. JPA2012-4 to appoint Ray Chan to the position of Public Works Director/City Engineer

Staff recommendation: Approve Resolution No. JPA2012-4.

MOTION:

Moved by Board Member Lieber, seconded by Vice Chair Atkinson to approve Resolution No. JPA2012-4 to appoint Ray Chan to the position of Public Works Director/City Engineer.

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

NOES: None.

Motion carried and so ordered.

7:30 p.m. City Council Meeting

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: Penelope Leach, Assistant City Manager; Craig Labadie, City Attorney; Anne Hsu, Deputy City Clerk; Jeff Bond, Community Development Director; Aleida Andrino-Chavez, Transportation Planner.

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

Mayor Javandel reported that no action was taken in closed session.

4. CONSENT CALENDAR

4-1. Minutes, October 1, 2012

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$227,068.13; taxes, benefits & withholdings in the amount of \$290,018.75. Total payroll in the amount of \$517,086.88. Payroll period: 9/21/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,964.15; taxes, benefits & withholdings in the amount of \$54,763.98. Total payroll in the amount of \$100,728.13. Payroll period: 9/21/2012

Staff recommendation: Ratify.

4-3. a. Ratification of bills, claims and demands against the City of Albany in the amount of: \$27,389.15 (8/1/2012), \$286,153.30 (8/17/2012), \$91,134.45 (8/17/2012), \$27,239.15 (9/1/2012), \$522,872.81 (8/3/2012), \$1,518,242.61 (8/31/2012), \$1,594,291.17 (9/14/2012), \$363,862.23 (9/28/2012), \$30,955.15 (10/1/2012).

b. Ratification of bills, claims and demands against the Albany Joint Powers Authority in the amount of: \$1,471.52 (8/17/2012), \$484.87 (8/31/2012), \$30.00 (9/14/2012).

Staff recommendation: Ratify

4-4. Claim #AL655 – Zenith Insurance v City of Albany

Staff recommendation: Reject the claim and authorize the City Clerk to send out the appropriate rejection letter to Zenith Insurance.

4-5. Expansion of the Albany Homeless Task Force Membership to a Tenth Person Selected from the Albany Homeless Population

Staff Recommendation: That Council approve the addition of a homeless person to the Albany Homeless Task Force.

4-6. 2012 Sewer Main and Lower Lateral Replacement on the 600 and 700 Blocks of Spokane and Portland from Masonic to Key Route Blvd.

Staff recommendation: Adopt Resolution No. 2012-58 approving and accepting improvements and directing the filing of the Notice of Completion for Contract No. C12-5 Spokane Avenue/Portland Avenue – 2012 Sewer Improvement Project.

4-7. Resolution No. 2012-57 – A resolution of the Albany City Council accepting the gift of funds for Pierce Street Park provided in memory of Donald Armstrong.

Staff recommendation: Approve Resolution No. 2012-57 - a resolution of the Albany City Council accepting the gift of \$525 for Pierce Street Park, provided in memory of Donald Armstrong.

Mayor Javandel asked if anyone would like to remove an item. No items were pulled from the Consent Calendar. Mayor Javandel requested that the motion to approve the Consent Calendar exclude item 4-7 as he would need to recuse himself from that item due to the proximity of his residence to the project site. Council Member Thomsen also noted she would need to recuse herself from item 4-7.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to approve the Consent Calendar, except item 4-7.

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

NOES: None.

Motion carried and so ordered.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to approve Consent Calendar item 4-7.

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

NOES: None. ABSENT: None

Recused: Council Member Thomsen, Mayor Javandel.

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: Robert Urhammer, Jeff Armstrong.

A summary of comments is as follows: concern regarding ad hoc and special interest groups impacts on public projects.

Assistant City Manager Penelope Leach announced the launch of the City's new e-newsletter.

6. PRESENTATION/PUBLIC HEARING

7. UNFINISHED BUSINESS

- 7-1.** Appropriation of funds and approval of Resolution Awarding Construction Contract for Buchanan/Marin Bikeway, Pierce Street to San Pablo Avenue, Capital Improvement Plan (CIP) Project S42, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030

Staff recommendation: That the Council-

- 1) Appropriate an additional \$828,000 for this project from the following sources:
 - a. Measure F 2002: \$300,000
 - b. Measure F 2006: \$228,000
 - c. Gas Tax: \$300,000
- 2) Adopt Resolution No. 2012-56 – A Resolution of the Albany City Council awarding the contract for the Buchanan/Marin Bikeway, Pierce Street to San Pablo Ave., CIP Project S42, Contract No. C12-2, Federal Project CML

5178(012), FTIP ID No. ALA110030 to Prism Engineering, Inc. for the Amount Bid of \$2,259,038.50.

Community Development Director Jeff Bond delivered the staff report. The project is intended to provide a safe bike and pedestrian path from Pierce Street to San Pablo Avenue, and includes a new traffic signal at Pierce Street and significant changes to the Marin/San Pablo intersection, new landscaping, fencing and installation of pipes for an extension of the EBMUD recycled waterline. Project approvals were required from multiple agencies including United States Department of Agriculture, Albany Unified School District and the University of California, along with Caltrans review of changes along San Pablo Avenue. Bids received for the project came in above the engineering estimate. An additional appropriation of City Measure F and the City's share of gas tax funds totaling \$828,000 will be needed to conduct the project. The proposed contract with Prism Engineering will be executed within the next three weeks and a groundbreaking ceremony will be scheduled. The construction will take place in five phases beginning the first week in November, and the project is scheduled to be completed by July 2013.

Bond also noted that the City continues to work with the University regarding the potential for creation of a "green lane" for bicyclists, and if an agreement is reached it will be included as a change order to the project.

The following people spoke: Del Price; Nick Pilch.

A summary of the comments is as follows: expressed support for the project, appreciation for the clarity of the staff report and the hard work staff has done regarding the project.

A summary of Council comments is as follows: expressed appreciation for the hard work of staff on the project to date.

MOTION:

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

- 1) Appropriate an additional \$828,000 for this project from the following sources:
 - a. Measure F 2002: \$300,000
 - b. Measure F 2006: \$228,000
 - c. Gas Tax: \$300,000
- 2) Adopt Resolution No. 2012-56 – A Resolution of the Albany City Council awarding the contract for the Buchanan/Marin Bikeway, Pierce Street to San Pablo Ave., CIP Project S42, Contract No. C12-2, Federal Project CML 5178(012), FTIP ID No. ALA110030 to Prism Engineering, Inc. for the Amount Bid of \$2,259,038.50.

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

7-2. Pierce Street Parcel Project

Staff recommendation: That Council provide direction for design features for the Pierce Street Parcel Project in an effort to frame the development as architects prepare and present a draft Master Plan to City Council.

Council Member Thomsen and Mayor Javandel recused themselves from this item.

Community Development Director Jeff Bond delivered the staff report. The project consultant Burks Toma along with The Planning Center/DC&E have developed options for Pierce Street Park based on comments collected from meeting with the community, a working group, the Parks and Recreation Commission, Planning and Zoning Commission, and the Traffic and Safety Commission. Council direction regarding the project is sought to help focus the project and obtain accurate cost estimates.

Project consultants provided a presentation which included the possible project design features along with pros and cons and construction challenges.

Bond also noted that preliminary project construction costs were received late last week and that the project is estimated at approximately \$18 million.

The following people spoke: Norman Ludwig; Robert Urhammer; Jackie Armstrong; Jessica Walter; Ed Fields; Nick Pilch; Jack Rosano; Denise Macro; Allan Maris; Jeff Armstrong; Del Price; Peggy McQuaid; Jewel Okawachi; Michael Barnes; Susan Reeves.

A summary of the comments is as follows: submitted a letter to the Council outlining preferred park amenities; expressed interest in a neighborhood park that serves the immediate area and includes a peaceful setting; expressed preference for an open space park with passive recreation and do not want a BMX park, skate park or dog park or electronic billboard on the site; expressed preference for locating the public restrooms near the Maintenance facility to ensure they are better monitored; expressed interest in a viewing platform; expressed interest in minimizing parking area; expressed interest in creating a dog park at the site; raised concern regarding the labeling of special interest groups, expressed interest in food-bearing vegetation, and more analysis of parking needs for site; clarified the Park and Recreation Commission report to note that the Commission expressed support for a small BMX park for young children but not a skate park; encouraged focus on the needs of the neighbors and to take a phased approach to the project; expressed support for the City's Maintenance Department, and interest in providing a City-owned maintenance facility, noted that the current maintenance facility is rented and savings will be realized over the long term by relocating to a city-owned facility; raised concern with the steep grade of the bike path and that it could be dangerous for children on bikes.

A summary of Council comments is as follows: support for project, interest in status of negotiations with Caltrans for northern tip of site, interest in widening Pierce Street to enhance safety, interest in minimal on-site parking, interest in park serving entire community, not supportive of active recreation at the site due to air quality concerns, support phased approach to project, expressed need for project plans to be provided in advance of the meeting; support to prioritize the interests of the neighbors, and for an open space park, support for restroom located near maintenance facility, requested cost estimates be included in future discussions.

Assistant City Manager Leach noted that the item is for Council input and that the consultants will incorporate input into development of the master plan for the project.

8. NEW BUSINESS

8-1. Resolution No. 2012-60 in Support of the Prosperity Act (HR 6411)

Council Member Lieber recommendation: That Council adopt Resolution No. 2012-60 in Support of the Prosperity Act (HR 6411).

Council Member Lieber provided an overview of HR 6411.

Mayor Javandel noted that he would be abstaining as this item is not what Council should be using their time to review, and that action has been taken on the item by Congresswoman Lee.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Wile to adopt Resolution No. 2012-60 in Support of the Prosperity Act (HR 6411).

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

NOES: None. ABSENT: None

Abstain: Mayor Javandel

Motion carried and so ordered.

Council Member Lieber added that the City is the first city to express support for the Prosperity Act, and encouraged other cities to support the item. Council Member Lieber also noted that the executed Resolution is to be transmitted to Congresswoman Lee, the Speaker of the House of Representatives, and the author of the Prosperity Act.

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

Mayor Javandel re-opened Good of the City for members of the public that missed the item earlier.

The following people spoke: concerned neighbors regarding mixed use of Memorial Park.


A summary of comments is as follows: interest in presenting to the Park and Recreation Commission and City Council regarding issues relating to mixed use of Memorial Park and good neighbor rules, circulating a petition and have gathered 327 signatures to date regarding mixed use of the park.

Assistant City Manager Leach noted that the item will be on the Park and Recreation Commission's November 8th agenda for development of recommendations to City Council. The item can be put on the Council's agenda for the first meeting in December as the field is closed for annual maintenance from the last Monday in November to the first Monday in January.

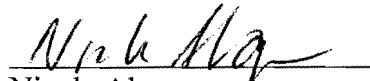
10. ADJOURNMENT

9:30 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