

CITY OF ALBANY

**MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, NOVEMBER 5, 2012**

7:00 PM

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) 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

7:30 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; Jeff Bond, Community Development Director; Ann Chaney, Community Development Consultant, Ray Chan, Public Works Director/City Engineer, Gale Rossi, Project Manager.

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

Mayor Javandel reported that Council received information and no action was taken.

City Attorney Craig Labadie announced a settlement agreement with Verizon Wireless, which called for the consideration of issuance of a building permit for installation of facilities at 423 San Pablo Avenue. A permit for the project has been issued and the settlement has been implemented.

4. CONSENT CALENDAR

- 4-1. a. Minutes, October 15, 2012
b. Minutes, October 22, 2012

Staff recommendation: Approve

- 4-2. a. Ratification of City of Albany net payroll in the amount of \$197,294.39; taxes, benefits & withholdings in the amount of \$158,739.44. Total payroll in the amount of \$356,033.83. Payroll period: 10/5/2012

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$47,273.03; taxes, benefits & withholdings in the amount of \$34,409.77. Total payroll in the amount of \$81,682.80. Payroll period: 10/5/2012

c. Ratification of City of Albany net payroll in the amount of \$207,790.46; taxes, benefits & withholdings in the amount of \$278,863.62. Total payroll in the amount of \$486,654.08. Payroll period: 10/19/2012

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$45,687.41; taxes, benefits & withholdings in the amount of \$69,610.12. Total payroll in the amount of \$115,297.53. Payroll period: 10/19/2012

Staff recommendation: Ratify.

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

Staff recommendation: Ratify.

- 4-4.** 2012 Sewer Project – East Albany Hill and North of Brighton, Contract No. C11-14, CIP Project Nos. P48 and P82

Staff recommendation: Authorize the City Manager to enter into agreements related to the 2012 Sewer Rehabilitation Project on the West Side of Albany Hill and North of Brighton Avenue, including:

- 1) Associated Right of Way Services (AR/WS) to assist with the acquisition of temporary and permanent easements for sanitary sewers for an amount not to exceed \$25,000.
- 2) Leptien, Cronin, Cooper, Morris & Poore, Inc. (LCC) to provide right of way exhibit maps, legal descriptions and plats for the easements and agreements with property owners for an amount not to exceed \$25,000.
- 3) A title company to be determined to conduct title searches and reports in support of easement services for an amount not to exceed \$20,000.

- 4-5.** Authorize the City Manager to enter into agreements with Greg Jacobs Engineering, Rossi Consulting, Associated Engineering Consultants, and AECOM for Professional Services for the Buchanan-Marin Bikeway Project.

Staff recommendation: Authorize the City Manager to:

- 1) Enter into an agreement not to exceed \$45,675 with Greg Jacobs Engineering to provide construction engineering/ inspection services.
- 2) Enter into an agreement not to exceed \$76,464 with Rossi Consulting for construction management services during construction.
- 3) Enter into an agreement not to exceed \$59,420 with Associated Engineering Consultants, Inc. (AEC) for material testing and certification.
- 4) Enter into an agreement not to exceed \$ 64,000 with AECOM for design support services.

- 4-6.** A Resolution of the Albany City Council Authorizing the City Manager to approve a Reimbursement Agreement with the East Bay Municipal Utility District for the Construction of a Recycled Water Pipeline in the Buchanan-Marin Bikeway Project.

Staff recommendation: Adopt Resolution No. 2012-64 authorizing the City Manager to approve a reimbursement agreement with the East Bay Municipal Utility District for the construction of a recycled water pipeline in the Buchanan-Marin Bikeway Project.

4-7. Resolution No. 2012-61 Amending Resolution No. 06-38 to Revise Locations for Posting of Official Notices within the City of Albany

Staff recommendation: That Council adopt Resolution No. 2012-61, amending Resolution No. 06-38 to revise locations for posting of official notices within the City of Albany.

Mayor Javandel asked if anyone would like to remove an item. Item 4-5 and 4-6 were pulled from the Consent Calendar.

The following people spoke: Ed Fields

A summary of comments is as follows: concern with the cost and number of contracts to outside consultants.

City Manager Beth Pollard clarified that the funds for the contract would be paid by previous Measure F funds, that the contract amounts were “not to exceed,” And the new Public Works Director/City Engineer has committed to minimizing these costs.

A summary of Council comments is as follows: Mayor Javandel expressed appreciation to staff for their work with EBMUD re. item 4-6.

MOTION:

Moved by Council Member Lieber, 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. There were no comments by the member of the public.

City Manager Beth Pollard introduced Ray Chan as the City’s Public Works Director/City Engineer.

Public Works Director/City Engineer provided an update regarding capital improvement projects.

6. PRESENTATION/PUBLIC HEARING

6-1. Albany Historical Society Historical Plaque

Staff recommendation: That Council accept the donation of a plaque from the Albany Historical Society, to be installed in the sidewalk on the southwest corner

of San Pablo Avenue at Buchanan Street, to recognize local residents' resistance to the dumping of Berkeley garbage in their community in 1908, which led to the incorporation of the City of Ocean View – subsequently renamed Albany.

City Manager Beth Pollard introduced Joan Larson and Kim Denton who presented the plaque.

A summary of Council comments is as follows: appreciation for the donation and for the work of the Albany Historic Society.

MOTION:

Moved by Council Member Thomsen, seconded by Vice Mayor Atkinson accept the donation of a plaque from the Albany Historical Society, to be installed in the sidewalk on the southwest corner of San Pablo Avenue at Buchanan Street, to recognize local residents' resistance to the dumping of Berkeley garbage in their community in 1908, which led to the incorporation of the City of Ocean View – subsequently renamed Albany.

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

ABSENT: None

NOES: None.

Motion carried and so ordered.

7. UNFINISHED BUSINESS

7-1. Contract with RGS Energy Incorporated to Design and Construct Solar Photovoltaic System at Albany's Childcare Center.

Staff recommendation: Approve Resolution No. 2012-63 authorizing the City Manager to execute a contract, in a form approved by the City Attorney, with *RGS Energy Incorporated* in an amount not to exceed \$125,000 to design and construct a solar photovoltaic system to offset energy use at Albany's Childcare Center.

Community Development Consultant Ann Chaney delivered the staff report. The City worked collaboratively with the cities of San Pablo, Piedmont and El Cerrito to issue a Request for Proposals to solicit installation of solar panels at City facilities. Real Goods Solar (RGS) was selected as the most competitive company by the cities. Each city is working directly with RGS to carry out projects. The project will involve installation of solar panels at the Childcare Center. Chaney also acknowledged that a letter was received from Ed Fields with technical questions regarding the project and that staff would be researching the items further with the contractor.

The following people spoke: Ed Fields.

A summary of comments is as follows: concern with security of the solar panels at the Childcare Center, clarified with staff that RGS will be engineering and constructing the shade structure, concern with purchase of solar panels outside of the United States.

A summary of Council comments is as follows: interest in identifying opportunities for purchasing solar panels from a company in the United States. Staff responded that they would explore such a purchase.

MOTION:

Moved by Council Member Lieber, seconded by Council Member Thomsen to Approve Resolution No. 2012-63 authorizing the City Manager to execute a contract, in a form approved by the City Attorney, with *RGS Energy Incorporated* in an amount not to exceed \$125,000 to design and construct a solar photovoltaic system to offset energy use at Albany's Childcare Center.

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

NOES: None.

Motion carried and so ordered.

8. NEW BUSINESS

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


9-1. Election Day – November 6, 2012 – 7 a.m. to 8 p.m. - Polling Locations can be found by visiting <http://www.acgov.org/rov/profile.htm>

9-2. City of Albany Veteran's Day Pancake Breakfast – Veteran's Memorial Building, 1325 Portland Avenue, Sunday, November 11, 9am-Noon

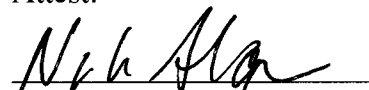
10. ADJOURNMENT

8:00 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

RESOLUTION NO. 2012-68

**A RESOLUTION OF THE ALBANY CITY COUNCIL IN APPRECIATION OF
RANDY W. LEPTIEN, CITY ENGINEER, FOR HIS MORE
THAN 23 YEARS OF SERVICE TO THE CITY OF ALBANY**

WHEREAS, Leptien, Cronin and Cooper (LCC), and its president, Randolph W. Leptien, had established an excellent reputation in Albany, several years prior to 1989, because of engineering work performed for others firms working for Albany; and

WHEREAS, on April 10, 1989, the City decided to hire a consultant to be directly on-call to the City, and selected the firm of Leptien, Cronin and Cooper to serve the City's need for engineering, surveying, and consulting services; and

WHEREAS, from day one, Randy Leptien became the "face" of LCC in Albany for the next 23 years; and

WHEREAS, Randy Leptien immediately gained respect for: his creativity in solving difficult engineering problems; giving his personal attention to virtually every capital project or engineering-related issue confronting the City; tackling issues with a no-nonsense hands-on attitude; and, responding promptly whenever engineering questions and issues arose (large or small); and

WHEREAS, in November 1994, it was therefore no surprise that Randy Leptien was asked to become the City Engineer; and

WHEREAS, Randy Leptien's original charge was to do two things: 1) Assist in implementing the City's Five-Year Capital Improvement Program (which consisted of

about four projects at the time); and 2) Serve as the Engineer of Record for the City's Landscape & Lighting District; and

WHEREAS, Randy's skills, knowledge, and personal affinity for Albany have been invaluable toward Albany's ability to work cooperatively with regional and state agencies, such as Caltrans, EBMUD, PG&E, and neighboring cities, and the like; and

WHEREAS, the CIP project list grew astronomically in the following years, and Randy Leptien was instrumental in planning and implementing nearly all of them. The following lists but a few:

- Community Center/Library project
 - Solano Avenue Sewer and Streetscape Improvements (SP Avenue to Masonic)
 - Sewer Rehabilitation projects (e.g., SE quadrant, San Pablo Avenue, city-wide)
 - Storm Drain projects
 - Creek Restoration projects
 - Eastshore Highway bridge connection to Buchanan Street
 - Street projects (e.g., Marin Avenue Calming, Pierce Street, Buchanan/Jackson, Marin/Santa Fe)
 - Bicycle path projects
 - Maintenance Center (starting in 1990; and finally finding a permanent home)
 - Coordinating with regional agencies and companies such as: Caltrans, BART, AC Transit, EBMUD, PG&E, UP Railroad, Alameda County Congestion Management Agency.
 - Coordinating with neighboring cities (e.g., creek, street, sewer projects)
 - Securing right-of-way or easements for needed projects
 - Pierce Street Park
 - Utility Undergrounding projects
 - Grant application assistance
 - Reviewing Planning and Building application submittals
 - You get the idea!
-

WHEREAS, Randy took the time to help staff, commissioners, the public, and the Council, understand the “why’s and what for’s” of technical problems, using layman terminology. (Remember the Neilson Street storm drain “dig”?); and

WHEREAS, one of Randy’s favorite manta’s was “Right-of-Way, Right-of-Way, Right-of Way...you can’t proceed unless you have it”. (And how right he was.); and

WHEREAS, Randy Leptien has been a valued friend of Albany’s and its residents; and


WHEREAS, Randy Leptien is officially ending his service as Albany’s City Engineer, but will continue to assist from time to time,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Albany expresses its deep gratitude and appreciation to Randy W. Leptien for his more than 23 years of exemplary and dedicated service to the City of Albany, and wishes him the best in his future endeavors.


PASSED AND ADOPTED at a regular meeting of the City of Albany held this 19th day of November 2012.



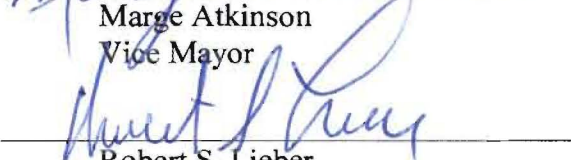
Peggy Thomsen
Council Member




Joanne Wile
Council Member



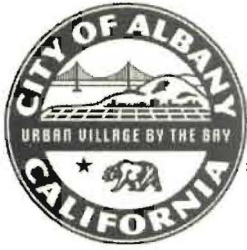
Marge Atkinson
Vice Mayor



Robert S. Lieber
Council Member



Farid Javandel
Mayor



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2012-68

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 19th day of November, 2012, by the following votes:

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

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 20th

Day of November, 2012.

Eileen Harrington
DEPUTY CITY CLERK