



CITY OF ALBANY
MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, DECEMBER 17, 2012

6:30 p.m.

- 1. CLOSED SESSION**
- 2. CALL TO ORDER**
- 3. 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) Property: Proposed Maintenance Center, 540 Cleveland Avenue
Negotiating Parties: City Manager, Community Development Director, Public Works Director, and Mark Kol, CBRE, on behalf of the City; Western Forge & Flange, property owner
- 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 & Stefanie Rawlings v. City of Albany, Alameda County Superior Court, Case No. RG12644349

The following people spoke: Ed Fields; Brian Parker. A summary of comments is as follows: The city is trying to derail the Larson/Rawlings case by charging an unreasonable amount for the administrative record; the city should have a budget and financing plan for the maintenance center before buying more property, and the amount of storage space should be reduced.

7:30 p.m.

CALL TO ORDER

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

1. PLEDGE OF ALLEGIANCE

Vice Mayor Atkinson led the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members Barnes, Maass, Thomsen, Wile, Vice Mayor Atkinson

Absent: None

Staff Present: Beth Pollard, City Manager; Todd Williams, Legal Counsel; Anne Hsu, Deputy City Clerk; Nicole Almaguer, City Clerk; Jeff Bond, Community Development Director; Ray Chan, Public Works Director/City Engineer; Ed Tubbs, Fire Chief; Police Chief Mike McQuiston.

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

- 1) Property: Proposed Maintenance Center, 540 Cleveland Avenue
Negotiating Parties: City Manager, Community Development Director, Public Works Director, and Mark Kol, CBRE, on behalf of the City; Western Forge & Flange, property owner

Vice Mayor Atkinson reported that Council gave direction to staff regarding this item.

- 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 & Stefanie Rawlings v. City of Albany, Alameda County Superior Court, Case No. RG12644349

Todd Williams, Legal Counsel reported that Council gave instructions regarding potential settlement agreements and that the information will be reported publicly if and when a settlement is reached.

4. REORGANIZATION OF CITY COUNCIL

- a. Election of Mayor
Council Member Wile nominated Council Member Thomsen for Mayor. The nomination was seconded by Council Member Barnes and unanimously approved by the Council.

- b. Election of Vice-Mayor
Vice Mayor Atkinson nominated Council Member Wile for Vice Mayor. The nomination was seconded by Council Member Maass and unanimously approved by the Council.

5. CONSENT CALENDAR

5-1. Minutes, December 10, 2012

Staff recommendation: Approve

- 5-2. a.** Ratification of City of Albany net payroll in the amount of \$226,921.77; taxes, benefits & withholdings in the amount of \$189,622.44. Total payroll in the amount of \$416,544.21. Payroll period: 11/30/2012

- b.** Ratification of Albany Municipal Services JPA net payroll in the amount of \$56,418.50; taxes, benefits & withholdings in the amount of \$39,610.35. Total payroll in the amount of \$96,610.85. Payroll period: 11/30/2012

Staff recommendation: Ratify.

- 5-3. a.** Ratification of bills, claims and demands against the City of Albany in the amount of: \$825,913.05 (10/12/2012); \$599,476.43 (10/26/2012); \$225,887.49 (11/09/2012); \$153,472.44 (11/21/2012).

- b.** Ratification of bills, claims and demands against the Albany Joint Powers Authority in the amount of: \$55.58 (9/28/2012); \$33.80 (11/9/2012); \$745.96 (11/21/2012).

Staff recommendation: Ratify

5-4. City Council Appointments to Advisory Bodies – Informational Report

- a.** Vice Mayor Atkinson appointments: Farid Javandel-Traffic & Safety Commission; Cheryl Black and Jules Kobelin-Arts Committee; Ellen Toomey-Community Media Access Committee; Max Wei-Sustainability Committee; Gordon McCarter-Waterfront Committee.

- b.** Council Member Barnes appointments: Alan Riffer-Library Board; Tod Abbott-Parks & Recreation Commission; Robert Uhrhammer-Sustainability Committee; Peggy McQuaid-Traffic & Safety Commission; Brian Johns-Waterfront Committee; Peter Goodman-Arts Committee.

- c.** Council Member Maass appointments: Robert Cheasty-Civil Service Board; John Miki-Traffic & Safety Commission.

d. Council Member Thomsen appointments: Jacqueline Armstrong-Arts Committee; Caryl O’Keefe-Charter Review Committee; Jack Rosano-Civil Service Board; Gary Class-Parks & Recreation Commission; Charles Blanchard-Sustainability Committee; Francesco Papalia-Waterfront Committee; Susan Reeves-Traffic & Safety Commission.

e. Council Member Wile appointments: Susan Adame-Arts Committee; Stefanie Kalman-Community Media Access Committee; Karen Leeburg-Library Board; Heather Cunningham-Parks & Recreation Commission; Ruth Cashmere-Social & Economic Justice Commission; Ken McCroskey-Traffic & Safety Commission.

Staff recommendation: Information

- 5-5.** Ratification of Planning and Zoning Commissioners: David Arkin (Wile); Doug Donaldson (Barnes); Nick Pilch (Maass); Stacy Eisenmann (Atkinson); Phil Moss (Thomsen).

Staff recommendation: Ratify

- 5-6.** Proposed Revised Agreement to Implement the Alameda Countywide Clean Water Program

Staff recommendation: That the Council adopt Resolution No. 2012-54, approving the revised agreement to implement the Alameda Countywide Clean Water Program.

- 5-7.** Resolution No. 2012-79, Authorizing the City Manager to execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax

Staff recommendation: Adopt Resolution No. 2012-79 – A Resolution of the Albany City Council Authorizing the City Manager to Execute Agreements with the State Board of Equalization for Implementation of a Local Transactions and Use Tax.

- 5-8.** 2012 Pavement Rehabilitation Project

Staff recommendation: Adopt Resolution No. 2012-76 approving and accepting improvements and directing the filing of the Notice of Completion for Contract No. C12-9, 2012 Pavement Rehabilitation Project.

5-9. Police and Fire Pension Board Actuarial Valuation

Staff recommendation: That City Council note and file Report of Actuarial Valuation as of June 30, 2012 of the Retirement Plan of the City of Albany. For information only.

Mayor Thomsen asked if anyone would like to remove an item. No items were pulled from the consent calendar.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Barnes to approve the Consent Calendar as submitted.

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen. ABSENT: None

NOES: None.

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Thomsen opened the Good of the City/Public Forum/Announcements.

The following people spoke: Del Price; David Tucker, Waste Management; Francesco Papalia; Thelma Rubin; Brian Parsley; Paul O'Curry.

A summary of comments is as follows: expressed congratulations to Council Members and encouraged continuation of transparency and open dialogue; presented award to the Council regarding City of Albany compliance with recycling regulations for commercial businesses and multifamily; encouraged applications for the Waterfront Committee; requested installation of hearing loops for members that may be hard of hearing; encouraged Council to revisit health care benefits provided to Council and scale back these benefits; expressed concern with battery recycling options at City facilities.

7. PRESENTATION/PUBLIC HEARING

8. UNFINISHED BUSINESS

9. NEW BUSINESS

9-1. 2012-13 City Council Goals and Objectives Progress Report

Staff recommendation: Receive progress report and provide any additional direction

City Manager Beth Pollard delivered the staff report, including a status update on the three key objectives highlighted during adoption of the goals and objectives:

General Plan: Council authorized issuance of a Request for Qualifications and four responses were received. Interviews are now being conducted with a recommendation to the City Council for selection of a consultant scheduled for February.

Homelessness: the Homeless Task Force has met monthly since July, and now also includes a homeless member as selected by the Task Force and authorized by the City Council. An interim report will be provided to the Council on January 22, 2013.

Information Technology: an assessment of the City's computer network is complete, finding that the network requires redesign. Additional information will be presented to the Council as part of the January 22, 2013 meeting.

Additional priorities were noted including improving the City's and community's response during a disaster, proving a variety of avenues for face-to-face and electronic communications in the community and between city officials and the public, implementation of climate action, active transportation and sustainability policies/plans and creation of a "Complete Streets" strategy for improvements to San Pablo Avenue, and conducting strategic planning for the next cycle of goals, objectives and budgeting with the seating of the new City Council in January. The strategic planning includes updating the City's General Plan, identification of City Council vision, strategic issues and direction, goals and preliminary objectives, and City organizational values. Issuance of a Request for Proposals to obtain a consultant to assist with the strategic planning is recommended.

The following people spoke: Francesco Papalia; David Sanger

A summary of comments is as follows: concern with limited staffing in Planning Department and interest in moving projects forward more efficiently; interest in enhancing communications, community involvement, and facilitation of lively discussions.

A summary of Council comments is as follows: interest in facilitating additional communication opportunities for the public including social media and face to face communications; interest in the pursuit of a Community Choice Aggregation with assistance from the Sustainability Committee; interest in receiving information regarding cell phone towers and an update from the RF Consultant as part of a future agenda.

9-2. Bi-annual Review of City Advisory Bodies

Staff recommendation: Approve Resolution No. 2012-80 to: 1) Establish policies and procedures for creating Task Forces, and guidelines for recommendations from advisory bodies to the City Council; 2) Continue the practice of reviewing the advisory bodies bi-annually; 3) Modify the regular meeting schedules of the Charter Review and Waterfront Committees to every other month, unless more frequent meetings are needed due to the press of business; 4) Continue the two appointees from the Social & Economic Justice Commission on the Homeless

Task Force, and otherwise sunset the Commission; and 5) Modify the composition of the following bodies:

- a. Arts Committee: One appointee per Council Member, one appointee at-large by the City Council, and one appointee at-large by the Board of Education
- b. Library Advisory Board: One appointee per Council Member
- c. Sustainability Committee: Authorize the Board of Education to appoint either a student or an adult.

City Manager Pollard delivered the staff report. Per Resolution No. 2010-63, a follow up review of the status of the City's Advisory Bodies was conducted. Guiding principles included seeking to ensure engaged, thoughtful participation by members that results in effective outcomes. In addition to the changes identified in the staff recommendation, policies and procedures for City Council appointment of Task Forces are proposed as well as the recommendation that Advisory Body Recommendations to City Council be in the form of "pros and cons", and that the Advisory Bodies continue to be reviewed on a bi-annual basis.

The following people spoke: Ruth Cashmere, Social & Economic Justice Commission Chair; Judy Kerr, Social & Economic Justice Commission Member; Margie Marks, Social & Economic Justice Commission Member; Signe Matison; Francesco Papalia, Waterfront Committee Chair; Caryl O'Keefe; Brian Parsley; Peggy McQuaid; Thelma Rubin; Paul O'Curry.

A summary of comments is as follows: Interest in continuation of Social & Economic Justice Commission; interest in flexibility of meeting format; support for a Task Force approach to issues; general support for recommendations; the Advisory Body training should be mandatory or those not attending should not be allowed to serve on an Advisory Body; concern with unstaffed meetings due to potential legal issues; interest in Social & Economic Justice issues being considered as part of the decision of all groups, and including a section in staff reports.

A summary of Council comments is as follows: general support for the recommended changes, interest in continuing the Social and Economic Justice Commission for an additional six months to a year and to have staff support for the group.

MOTION:

Moved by Council Member Atkinson, seconded by Vice Mayor Wile to Approve Resolution No. 2012-80, with the exception that the Social & Economic Justice Commission shall remain in effect for one year with a status report back to the City Council.

Council Member Barnes suggested a friendly amendment to allow the Social & Economic Justice Commission to continue for six months. The friendly amendment did not receive a second.

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

ABSENT: None

NOES: Council Member Barnes.

Motion carried and so ordered.

9-3. Resolution approving the Joint Exercise of Powers Agreement Creating the Energy Council and Agreeing to Become a Member of the Energy Council

Sustainability Committee and Staff recommendation: That the Council adopt the following resolutions:

- 1) Resolution No. 2012-81 Approving the Joint Exercise of Powers Agreement Creating the Energy Council and Agreeing to Become a Member of the Energy Council;
- 2) Resolution No. 2012-82 Approving Designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force Under State Law for the Purpose of Reviewing and Commenting on County Integrated Waste Management Plan Amendments;
- 3) Resolution No. 2012-83 Amending the ACWMA Joint Powers Agreement to Clarify that the Rules of Alameda County Shall be Used in Any Case of Conflicting Member Agency Rules

Sustainability and Transportation Coordinator Claire Griffing delivered the staff report. The Alameda County Waste Management Authority has created an Energy Council Joint Powers Authority intended to comprise all jurisdictions within Alameda County to collaboratively seek funding and implement regional energy efficiency projects. The Sustainability Committee supports the City's participation in the Energy Council JPA.

The following people spoke: Tom Cooper, Sustainability Committee Chair.

A summary of comments is as follows: encouraged the Council to approve the Resolutions as the program allows the City to leverage an advantage and make a large impact towards achieving energy efficiency.

A summary of Council comments is as follows: interest in the collaborative approach and ability to obtain grant funding for projects; interest in regional efforts regarding energy efficiency.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Atkinson to adopt the following resolutions:

- 1) Resolution No. 2012-81 Approving the Joint Exercise of Powers Agreement Creating the Energy Council and Agreeing to Become a Member of the Energy Council;

- 2) Resolution No. 2012-82 Approving Designation of the Alameda County Source Reduction and Recycling Board as the Local Task Force Under State Law for the Purpose of Reviewing and Commenting on County Integrated Waste Management Plan Amendments;
- 3) Resolution No. 2012-83 Amending the ACWMA Joint Powers Agreement to Clarify that the Rules of Alameda County Shall be Used in Any Case of Conflicting Member Agency Rules

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.

ABSENT: None

NOES: None.

Motion carried and so ordered.

9-4. City Council appointments to county and regional bodies.

Staff recommendation: Select Council Members to serve on county and regional bodies.

City Manager Pollard delivered the staff report and reviewed the regional and county bodies with the Council.

The Council made appointments to the county and regional bodies as follows:

County/Regional Body	Appointee/Alternate
Alameda County Mayors Conference	Thomsen/Wile
Alameda County Transportation Commission:	Thomsen/Maass
Association of Bay Area Government General Assembly:	Barnes/Maass
League of CA Cities (East Bay):	Atkinson/Thomsen
Waste Management Authority:	Wile/Maass
Alameda County Housing Authority	Ruth Cashmere

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

10-1. City Offices will be closed the week of December 24-28, 2012.

10-2. January 7, 2013 City Council Regular Meeting is cancelled.

10-3. Advisory Body Training: January 29, 2013, 7 – 9 p.m. Community Center

Council Member Atkinson announced the Senior Center Christmas Dinner.

Mayor Thomsen announced the next meeting of the City Council will be held on January 22, 2013.

Council Member Barnes distributed California Agriculture publication to the Council Members, announced that he and Council Member Maass will be

attending the new Council Members & Mayor training being held in Sacramento. Barnes also expressed appreciation for the recent complete streets planning process and the City's website. Barnes also noted that he was at the waterfront during the King Tides, and there was water lapping onto the lower portion of the parking lot.

11. ADJOURNMENT

The City Council adjourned in memory of those who lost their lives in Newtown Connecticut.


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.



Peggy Thomssen
Mayor

Attest:



Nicole Almaguer
City Clerk