

CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MAY 6, 2013

7:30 p.m.

CALL TO ORDER

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

1. **PLEDGE OF ALLEGIANCE**

Mayor Thomsen led the Pledge of Allegiance to the Flag.

2. **ROLL CALL**

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

Absent: None

Staff Present: Beth Pollard, City Manager; Craig Labadie, City Attorney; Anne Hsu, Deputy City Clerk; Jeff Bond, Community Development Director; Isabelle Leduc, Recreation Supervisor; Ed Tubbs, Fire Chief; Kim Denton, City Treasurer; Penelope Leach, Assistant City Manager/Community Services Director.

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

4. **CONSENT CALENDAR**

4-1. Minutes, April 15, 2013

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of \$184,851.72; taxes, benefits & withholdings in the amount of \$153,287.59. Total payroll in the amount of \$338,139.31. Payroll period: 4/5/2013

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$47,974.23; taxes, benefits & withholdings in the amount of \$34,647.20. Total payroll in the amount of \$82,621.43. Payroll period: 4/5/2013

c. Ratification of City of Albany net payroll in the amount of \$190,370.03; taxes, benefits & withholdings in the amount of \$265,741.99. Total payroll in the amount of \$456,122.02. Payroll period: 4/19/2013

d. Ratification of Albany Municipal Services JPA net payroll in the amount of \$46,601.64; taxes, benefits & withholdings in the amount of \$54,176.90. Total payroll in the amount of \$100,778.54. Payroll period: 4/19/2013

Staff recommendation: Ratify.

- 4-3.** Ratification of bills, claims and demands against the City of Albany in the amount of: \$946,269.16 (3/29/2013); \$31,706.72 (4/1/2013); \$343,934.21 (4/12/2013)

Ratification of bills, claims and demands against the Albany Joint Powers Authority in the amount of: \$438.08 (3/29/2013); \$186.00 (4/12/2013)

Staff recommendation: Ratify

- 4-4.** Ratification of Police & Fire Pension Plan payments in the amount of \$122,761.45 for the month April, 2013.

Staff recommendation: Ratify.

- 4-5.** Fleet Vehicle Authorization to Lease

Staff recommendation: that the City Council approve Resolution No. 2013-18 authorizing the City Manager/designee to enter into a lease agreement with Enterprise Fleet Management for the lease of vehicles in lieu of replacement

- 4-6.** Contract Agreement C13-8 with Cycles of Change for the provision of a Bicycle Program at the Albany Elementary Schools and Middle School

Staff recommendation: that the City Council authorize the City Manager to enter into Contract No. C13-8 with Cycles of Change in the amount of \$36,200 for the provision of a Bicycle Education Program during Physical Education (PE) and supplementary bike rodeos at the three elementary schools and Middle School in Albany for the next three school years

- 4-7.** Resolution No. 2013-19 – A resolution of the Albany City Council accepting the gifts/donations for the Recreation & Community Services Department

Staff recommendation: that the City Council approve Resolution No. 2013-19 accepting donations to the Recreation & Community Services Department

4-8. Letter of Support for Senate Bill 254 – Mattress Recycling Bill

Recommendation: that the City Council approve a letter of support for SB 254

4-9. Resolution No. 2013-17 - a Resolution Authorizing the Examination of Transactions (Sales) and Use Tax Records

Staff recommendation: that City Council adopt Resolution No. 2013-17, a Resolution Authorizing the Examination of Transactions (Sales) and Use Tax Records

4-10. Resolution No. 2013-23 - a Resolution of the Albany City Council Adopting Certain License Fees Pursuant to Albany Municipal Code Sections 5-2.2, 5-2.3 and 5-2.5

Staff recommendation: that Council adopt Resolution 2013-23 in order to allow a daily business license rate or Peddlers and Solicitors, personally manufactured articles and produce

4-11. Transportation Development Act (TDA) Article 3 Allocation FY 13-14

Staff recommendation: that the Council approve Resolution No. 2013-21 requesting that the Metropolitan Transportation Commission (MTC) allocate Fiscal Year 2013/14 TDA Article 3 Pedestrian/Bicycle Project funds in the amount of \$15,394 to the City of Albany toward design of the Buchanan Bikeway Phase III

Mayor Thomsen asked if anyone would like to remove an item. Item 4-10 was pulled by the Council. Council Member Maass asked if the fee would apply to Solano Stroll Vendors. City Treasurer Kim Denton clarified that the Stroll Vendors have a sponsored event business license that covers all vendors at the Stroll. The fee would apply to food truck vendors at the Arts & Green Festival.

MOTION:

Moved by Council Member Atkinson, seconded by Vice Mayor Wile 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.

5. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

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

The following people spoke: Peggy McQuiad; Amy Smollens; Brian Parsley; Norm Ludwig.

A summary of comments is as follows: announced the Albany Police Activities League Bicycle Rodeo on Saturday May 18 at Cornell School; Albany Strollers & Rollers will be at the Bicycle Rodeo with the bike blender, announced Bike to Work Day and City Officials Bike to Work Day Ride; noted that it has been six months since the last election and encouraged the Council to agendaize City Council health coverage to consider taking the same health care coverage as City employees; expressed concern with high speed vehicles along Pierce Street and interest in implementing Phase 1 of the Pierce Street Park project.

Council Member Maass announced that Miriam Walden has initiated a business education program at Albany High School and is seeking donations to support the program.

Vice Mayor Wile noted that the Council has approved the project at UC Village and that the City is interested in seeing the project move forward.

Mayor Thomsen acknowledged community volunteers Peter Shakow, Jason Alabanza, and Virginia Behm for their service. Mayor Thomsen also congratulated Josephine Marini who recently turned 100 years old.

6. PRESENTATION/PUBLIC HEARING

6-1. Proclamation in Honor of Saint Mary's College High School's Sesquicentennial Anniversary

Mayor Thomsen presented the Proclamation in honor of Saint Mary's College High School's Sesquicentennial Anniversary.

Brother Edmond expressed appreciation for the collaboration opportunities with the City.

6-2. Proclamation in Honor of Fire Chief Ed Tubbs' Service to the City of Albany

Mayor Thomsen presented the Proclamation in honor of Fire Chief Ed Tubbs' service to the City.

Fire Chief Ed Tubbs expressed appreciation to the City, Council, staff and the community.

6-3. Resolution No. 2013-22 - Modifying Mitigation Measure GCC-1 and the Mitigation Monitoring and Reporting Program for the University Village Mixed Use Development and Adopting an Addendum to the Environmental Impact Report (EIR)

Staff recommendation: that the City Council approve Resolution No. 2013-22 approving the EIR Addendum and amending Mitigation Measure GCC-1 and the MMRP for the University Village Mixed Use Development

Community Development Director Jeff Bond delivered the staff report. The City Council approved a series of policy-level actions associated with the University Village Mixed Use project in July 2012, including certification of an EIR for the project. Following certification of the EIR, two separate petitions for Writ of Mandate challenging the adequacy of the EIR were filed with the Alameda County Superior Court. The City and the University have jointly participated in the defense of the City Council's decision. A conditional settlement agreement has been approved in the case of Albany Strollers & Rollers/Carbon Neutral Albany v. City of Albany. In accordance with the settlement agreement the University has proposed modification to Mitigation Measure GCC-1. The settlement agreement is subject to the City Council's discretionary consideration and potential approval of the proposed modification to Mitigation Measure GCC-1. The proposed amendment clarifies that the following will occur: 1) Bike lanes and/or paths are incorporated into the project and that the bike facilities link to the community-wide network; and 2) The project incorporates on-site renewable energy generation, such as with the installation of solar panels. The proposed changes to Mitigation Measure GCC-1 are the only change proposed. Per CEQA Guidelines and CEQA case law, an EIR Addendum may be prepared to document any resulting changes to environmental impacts or mitigation measures. An addendum process may be used where the changes are technical or clarifying in nature.

The second case, Larsen/Rawlings v. City of Albany is proceeding. A ruling on the Larsen/Rawlings case is expected in early summer.

On Wednesday, May 8, 2013, the City's Planning and Zoning Commission will hold a study session to review the proposed senior housing and retail components to the University Village Mixed Use Project.

The following people spoke: Harry Chumsky, Albany Strollers & Rollers; Preston Jordan, Carbon Neutral Albany; Catherine Sutton, David Sanger.

A summary of comments is as follows: expressed appreciation for proposed changes to the mitigation measure; asked about the status of the second lawsuit regarding the project; expressed concern with the intended activities of Occupy the Farm and encouraged Council to take action on the item.

Craig Labadie City Attorney clarified that the agenda item tonight does not pertain to the second lawsuit. The status of the second lawsuit has been fully briefed, the administrative record has been prepared and a court hearing has been set for next Thursday, May 16 at the Alameda County Superior Court.

A summary of Council comments is as follows: legal action against the University impacts students and tuition rates; expressed appreciation for reaching a settlement agreement and expressed interest in moving the project forward; urged responsible citizens who know individuals who may be intending illegal acts to help dissuade them from such acts and for everyone to use the democratic process to express themselves.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Barnes to approve Resolution No. 2013-22 approving the EIR Addendum and amending Mitigation Measure GCC-1 and the MMRP for the University Village Mixed Use Development.

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

ABSENT: None

NOES: None

Motion carried and so ordered.

7. UNFINISHED BUSINESS**7-1. Report from the Homeless Task Force on Policy Options for Ending Homelessness in Albany**

Staff recommendation: that the City Council discuss whether there is a consensus on a preferred option. If there is a consensus on an option, it is recommended that the Council:

- a. direct staff to issue a request for proposals for outreach and engagement services;
- b. request report back on implementation of preferred option; and
- c. provide direction on next steps for the Homeless Task Force

Community Development Director Jeff Bond delivered the staff report. The Homeless Task Force was created by the City Council on May 21, 2012, to recommend to Council options for policies and strategies to end Homelessness in Albany, and meet once a month for up to 18 months. The Task Force provided a progress report to Council on January 22, 2013, identifying four tasks: 1) Encourage the City Council to fund a survey of persons who are homeless living at the Bulb; 2) Explore the creation of a tool to survey those persons who are homeless and living in areas of town other than the Bulb; 3) Compile three to four policy options and strategies to end homelessness in Albany to present to the City Council; 4) Begin development of a draft survey instrument and methods to survey Albany's general public regarding policy options and strategies. The first step for providing homeless services is outreach and engagement with homeless individuals, whether in the encampment on the Bulb or elsewhere in the City to determine their needs and link them to organizations that can best help them. The second step in providing services is day-to-day case management.

Julie Winklestein and Gordon McCarter presented the Task Force Interim Report No. 2, including a summary of progress to date, and a series of options for addressing homelessness in Albany including pro/con analysis. Many of the identified options can be combined. The Task Force also recommends the Council express support for Assembly Bill 5 to help protect the rights of persons that are

homeless. The Task Force expressed an interest in developing a plan that is fair and equitable. The options identified by the Task Force include:

- 1) Alternatives that rely on existing policies and programs
 - 1.A. Housing First Model
 - 1.B. Enforce the Albany Municipal Code with limited support services
 - 1.C. Transitional or Permanent Housing in Albany
 - 1.D. Phased Transition
 - 1.E. Status Quo (Do Nothing)
- 2) Alternatives that rely on new City policies/program
 - 2.A. Dignity Village Model
 - 2.B Drop in Day Service Center in Albany

The following people spoke: Tony Susnack, Patricia Jones, Executive Director for Citizens for Eastshore State Park; Robert Cheasty, President of Citizens for Eastshore State Park; Brian Parker; Arthur Boone, Sierra Club; Edward Bennett; Nick Pilch; Rochelle Nason; Shirley Dean; Caryl O'Keefe; Norman LaForce; Brian Parsley; Catherine Sutton; Gordon McCarter; Bob Outis; Lisa Kleinbub; Brian Johns; Julie Winklestein; Francesco Papalia; Peggy McQuaid; Amber Lynn Whitson; David Sanger; Paul O'Curry; Bill Dann; Allan Maris; Barbara Chambers.

A summary of comments is as follows: announced the Richmond Regression Alliance – Saffron Strand that offers a support program for the homeless, announced a conference that will be held on May 17-18 by Safron Strand and the City of Richmond; expressed support for implementing the City's current laws and the General Plan for the Bulb to enforce no camping at the park; urged the City to assist persons who are homeless at the Bulb and to enforce the no camping regulations at the Bulb, current activity at the Bulb is in violation of the law; expressed appreciation for the work done by the Homeless Task Force, long-term occupancy of the Bulb is unacceptable and encouraged the Council to implement option 1.B as identified in the Homeless Task Force report to end camping at the Bulb; expressed support for outreach, census work and assistance with services as well as enforcing the no camping ordinance; the situation at the Bulb is a public health issue and puts the waters of the San Francisco Bay at risk, the Bulb is not fit for human habitation, encouraged the Council to take decisive action to ensure the growth of the homeless population of the Bulb does not increase; encouraged the Council to set a clear and definitive deadline to end camping at the Bulb such as 45 days, direct City staff to contact social service providers to begin outreach to the homeless on the Bulb, reaffirm commitment to Eastshore State Park, and establish a Council committee to begin talks with East Bay Park District to allow the District to manage the park; recommended selecting option 1.A and encouraged the City to focus on waterfront lands that the City owns; the request to enforce the no camping ordinance within 45 days is not realistic, option 1.A is likely the best option for the City; encouraged a gradual approach that ensures no new campers; expressed support for the dignity village model; encouraged the Council to consider people that are homeless within the City beyond just the Bulb;

services are being provided to the homeless at the Bulb; suggested focusing on helping the homeless and not the park; the Bulb residents want to work with the City to stop growth of the population on the Bulb and Bulb residents help maintain the Bulb; an Environmental Impact Report may be required for actions by the Council such as creation of a dignity village.

A summary of Council comments is as follows: thanked the members of the Task Force for their work including the pro/con analysis; expressed support for the Task Force to transition into an advocacy group, acknowledged that homelessness is an ongoing issue, expressed interest in providing outreach, offering services and enforcing the no camping ordinance, expressed concern with the concept of a dignity village; expressed interest with a approach that utilizes a combination of the options identified by the Task Force; expressed interest in a compassionate approach, expressed interest in ensuring a sustainable resolution, acknowledged that any resolution will require funding, suggested separating the park issue and the homeless issue, expressed interest in workable timeframes to move forward with a solution.

Vice Mayor Wile noted that she has over thirty years of professional experience as a social worker working with homeless people, and has worked for over six years with homeless at the Bulb to help transition them into housing. Vice Mayor Wile recommended: 1) the Task Force function as an independent community based organization to continue advocacy and support for Albany's homeless individuals; 2) the City issue a Request for Proposals (RFP) for a 3 month project to conduct outreach and support to homeless, particularly at the bulb in the amount of \$30,000 from Council discretionary funds with a report back from staff on the June 17th Council agenda, and that outreach begin in July and continue through the summer; 3) ask the Albany Police Department to begin enforcing the no overnight camping ordinance in all City parks beginning in October 2013; 4) that the Mayor, City Manager and Vice Mayor begin meetings with the East Bay Regional Park District and State Parks to reach agreement on the needed action to take to restore the Bulb to open parkland.

MOTION:

Moved by Vice Mayor Wile, seconded by Mayor Thomsen, to: 1) Suggest Task Force Members become advocates for the homeless through a community based organization; 2) Direct staff to issue a Request for Proposals (RFP) for outreach and engagement services for a period of 3 months funded by City Council discretionary funds in the amount of \$30,000, and that staff return to Council on June 17 regarding RFP selection; 3) ask the Police Department to enforce the no camping ordinance as of October 2013; 4) that the Mayor, Vice Mayor and City Manager meet with East Bay Regional Park District and State Parks to begin a process to make the area a park.

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

ABSENT: None

NOES: None

Motion carried and so ordered.

8. NEW BUSINESS

8-1. Recreation & Community Services Facility/Program Reorganization

Staff recommendation: that Council approve the proposed renovation of the Senior Center House for the purpose of:

- a. Expanding Senior Services
- b. Relocating After School Teen Program from Memorial Park to the Senior Center House
- c. Expanding the After School Child Program to the Memorial Park facility

Assistant City Manager/Community Services Director Penelope Leach delivered the staff report. Based on evaluation of existing Recreation & Community Services programs and facility uses, there are three areas that need to be addressed: 1) After school child care for 1st – 5th graders; 2) teen services; and 3) senior services. The City purchased the property adjacent to the Senior Center in 2009 for the purpose of expanding the Senior Center. The project remains unfunded. Renovations can be made to the “Senior Center House” so the site can be used for recreation programs.

The teen center program would be relocated to the Senior Center House, and the current teen center location at Memorial Park would be made available for a second after school program for 1st – 5th graders. The Senior Center House would also include expanded programs for seniors in the mornings, early afternoons, evenings, weekends and during the summer. The Friends of Albany Seniors met with staff on April 3, and the Board expressed unanimous support for the proposal, with the understanding that storage space would continue to be made available for the annual White Elephant fundraiser.

The City’s Park and Recreation Commission has expressed support for the project. The City’s Planning & Zoning Commission approved a use permit for the Senior Center House with the recommendation that the backyard fence be repaired. The cost to renovate the Senior Center House is approximately \$127,055.

There was no public comment on this item.

A summary of Council comments is as follows: asked for clarification regarding the services to be offered for teens, asked for clarification regarding the project estimate and expressed support for the project.

MOTION:

Moved by Council Member Atkinson, seconded by Council Member Maass to approve the proposed renovation of the Senior Center House for the purpose of:

- a. Expanding Senior Services
- b. Relocating After School Teen Program from Memorial Park to the Senior Center House
- c. Expanding the After School Child Program to the Memorial Park facility

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

ABSENT: None

NOES: None

Motion carried and so ordered.

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

Council Member Atkinson announced that she attended the Senior Center White Elephant Sale.


Council Member Barnes distributed two publications to the Council.

Mayor Thomsen announced that she attended the recent Alameda County Transportation Commission for discussion of the One Bay Area Program.

10. ADJOURNMENT

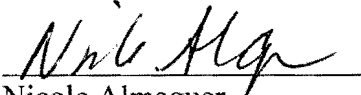
10:21 p.m. There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.



Peggy Thomsen
Mayor

Attest:



Nicole Almaguer
City Clerk