



CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MARCH 3, 2014

7:00 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. Conference with Legal Counsel to discuss existing litigation pursuant to Government Code Section 54956.9(d)(1)
Name of Case: *Cody et al. v. City of Albany et al.*
United States District Court Case No. C13-05270

ADJOURNMENT

7:30 p.m.

CALL TO ORDER

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
 3. **REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
Mayor Thomsen reported that the Council met in closed session and no action was taken.
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4. CONSENT CALENDAR

4-1. Minutes, February 18, 2014

Staff recommendation: Approve

4-2. Ratification of Payroll

a. Ratification of City of Albany net payroll in the amount of \$204,685.00; taxes, benefits & withholdings in the amount of \$178,011.23. Total payroll in the amount of \$382,696.23. Payroll period: 2/07/2014

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$44,696.50; taxes, benefits & withholdings in the amount of \$32,459.33. Total payroll in the amount of \$77,155.83. Payroll period: 2/7/2014

Staff recommendation: Ratify

4-3. Ratification of Bills, Claims and Demands

Ratification of bills, claims and demands against the City of Albany in the amount of: \$15,292.40 (2/11/2014), \$253,436.00 (2/13/2014)

Staff recommendation: Ratify

4-4. Ratification of Police & Fire Pension Plan payments in the amount of \$115,915.39 for the month of February, 2014.

Staff recommendation: Ratify.

4-5. Resolution No. 2014-10 Authorizing the City Manager to execute the First Amendment to the Purchase and Sale Agreement with Western Forge and Flange Company for purchase of 540 Cleveland Avenue for the Public Works Service Center Project

Staff recommendation: that the Council adopt Resolution No. 2014-10 authorizing the City Manager to execute the First Amendment to the Purchase Agreement with Western Forge and Flange Company

4-6. Contract renewal for Animal Control Services with the City of Berkeley

Staff recommendation: that the Council approve a three year contract for animal control services with the City of Berkeley, which includes increased fees

- 4-7.** Ordinance No. 2014-03, Amendments to the Planning and Zoning Chapter of the Municipal Code to Allow Digital Billboards in the Commercial Mixed Use Zoning District

Staff recommendation: that the Council approve Ordinance No. 2014-03, Amendments to the Planning and Zoning Chapter of the Municipal Code to Allow Digital Billboards in the Commercial Mixed Use Zoning District – Second Reading - Pass to print

- 4-8.** Request to Alameda County Transportation Commission Regarding City of Albany 2013-2014 Carry-Over of Unspent Measure B Transportation Tax Funds

Staff recommendation: that the City Council authorize the Mayor to execute a letter requesting that the Alameda County Transportation Commission favorably approve the carry-over of Fiscal Year 2012-2013 Measure B balances to undertake major street rehabilitation in Fiscal Year 2013-2014

Mayor Thomsen asked if anyone would like to remove an item, items 4-6, 4-7, and 4-8 were removed from the consent calendar.

Council Member Atkinson asked about the staff costs associated with item 4-6. City Manager Penelope Leach responded that the overall cost is lower than alternative services.

Mayor Thomsen stated she would be abstaining from item 4-7.

Council Member Atkinson asked about item 4-8, and the large amount of carryover funds.

Public Works Director/City Engineer Ray Chan reported that staff intends to utilize the full funding for paving and transportation safety purposes.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Atkinson to approve the Consent Calendar items as submitted, except item 4-7.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Atkinson to approve Ordinance No. 2014-03, Amendments to the Planning and Zoning Chapter of the Municipal Code to Allow Digital Billboards in the Commercial Mixed Use Zoning District – Second Reading - Pass to print.

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

Abstain: Mayor Thomsen.

NOES: None

Motion carried and so ordered.

5. PRESENTATION

- 5-1.** Proclamation in honor of American Red Cross Month
Mayor Thomsen presented the proclamation in honor of American Red Cross Month.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Thomsen opened Good of the City/Public Forum/Announcements. The following people spoke: Doug Donaldson; Caryl O'Keefe; Francesco Papalia; Amber Whitson.

A summary of comments is as follows: movoto.com identifies Albany as the 12th most exciting city in the United States; Friends of Albany Library book sale will be held on Saturday March 15 from 10am – 4pm; asked about email correspondence to Council; expressed dissatisfaction with Berkeley Food and Housing Project.

Mayor Thomsen expressed appreciation to staff and volunteers for the Albany Film Fest, and recognized the Albany Police Department for receiving awards from Mothers Against Drunk Driving.

7. PUBLIC HEARING

- 7-1.** Resolution No. 2014-18 adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 2007-2014 Housing Element and Resolution No. 2014-19 amending the Albany General Plan by adopting the 2007-2014 Housing Element

Staff recommendation: that the Council adopt Resolution 2014-18 adopting the Initial Study/ Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the 2007-2014 Housing Element, and Resolution 2014-19 amending the Albany General Plan by adopting the 2007-2014 Housing Element

Community Development Director Jeff Bond delivered the staff report. The housing element is one of the seven mandated elements of the Albany General Plan. It includes goals, policies, and action programs to promote conservation of existing housing, production of new housing, provision of housing for persons with special needs, and equal access to housing by all residents. The contents of the Element are set by State law. The 2007-2014 Housing Element updates the 1992 Albany Housing Element. The Element focuses on specific actions to be initiated or completed in the next year, along with longer-range policies that may be carried forward to the next housing

element. A housing element for the 2015-2022 planning period will be prepared later this year. Bond noted that an updated staff report was provided at the meeting to respond to correspondence received by the Public Interest Law Project and Bay Area Legal Aid, and to comments received by the Albany Unified School District Superintendent. Resolution 2014-18 has also been revised to respond to the comments received and to clarify findings.

Barry Miller, General Plan Consultant provided a presentation regarding the Housing Element.

The following people spoke: Peggy McQuaid; Amber Whitson; Francesco Papalia; Caryl O'Keefe; Clay Larson; Alexa Hauser.

A summary of comments is as follows: encouraged the Council to increase staff levels to enable implementation of the housing element; approval of the housing element is out of compliance with the Government Code; encouraged identifying creative solutions to permitting secondary units; expressed support for the housing element, suggested the wording regarding the Albany Bulb be clarified that it is adjacent to the McLaughlin Eastshore State Park; questioned the definition of the task associated with the Measure D working group; expressed interest in implementing the housing element.

A summary of Council comments is as follows: asked about permitting for second units; asked for clarification regarding the grant funding sources to incentivize development projects.

Bond replied that corrections will be made to clarify the Albany Bulb location and the role of the Measure D work group.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Atkinson to:

1. Adopt, as revised Resolution 2014-18 adopting the Initial Study/ Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2007-2014 Housing Element.
2. Adopt Resolution 2014-19 amending the Albany General Plan to incorporate the 2007-2014 Housing Element.
3. Authorize staff to submit the 2007-2014 Housing Element to the State Department of Housing and Community Development for review.
4. And for staff to make recommended clarifying changes.

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

NOES: None

Motion carried and so ordered.

8. UNFINISHED BUSINESS**9. NEW BUSINESS****9-1. 2014 Review of the City's Commissions, Committees, Boards**

Staff recommendation: that the Council That the Council adopt Resolution No. 2014-20, approving the following changes to the City's Advisory Bodies:

1. Social and Economic Justice Commission (SEJC):
 - a. Assign the Community and Human Services Manager as staff liaison
 - b. Continue meeting every other month unless more frequent meetings are needed for the press of business in accordance with Resolution No. 2010-63
 - c. Move from summary minutes to action minutes in line with the practice of all other Advisory Bodies per Resolution No. 2010-63
2. Sunset the Waterfront Committee (WFC) effective May 2014

City Manager Penelope Leach delivered the staff report. Since 2010 Council has directed staff to review the City's Commission, Committees, and Boards every two years. City staff has reviewed the composition, purpose, meeting schedule, and related structural features of the advisory bodies, as well as responding to a the specific request from Council members to evaluate the potential sunset of the Waterfront Committee. Recommended changes include modifications to the Social and Economic Justice Commission and sunseting of the Waterfront Committee. Over the past year, the WFC agendas have had less time consuming issues to work on than in years past. A number of other opportunities for public forums regarding issues pertaining to the waterfront are available including the City's Park & Recreation Commission for park-related issues, the City's Planning & Zoning Commission for land use related matters, and formation of regional/work groups for other items related to the waterfront including transition of the Bulb to the McLaughlin Eastshore State Park.

The following people spoke: Brian Johns; Francesco Papalia; Brian Parker; Bill Dann; Patricia Jones; Paul O'Curry; Amber Whitson; Lisa Kleinbub; Gary Class; Rochelle Nason.

A summary of comments is as follows: expressed concern with the timing of the sunseting of the WFC; expressed concern with transparency of sunseting the WFC; expressed support for Council involvement to move forward with the transition of the Albany Bulb to the McLaughlin Eastshore State Park, there has been a lack of substantive issues on WFC agendas and demeanor of the group is concerning, expressed support for work groups to focus on issues; expressed support for sunseting the WFC; expressed concern with sunseting the WFC; suggested working collaboratively with other agencies and regional entities.

A summary of Council comments is as follows: asked about staff costs associated with serving as a liaison to an advisory body; expressed interest in continuing transition to the McLaughlin Eastshore State Park; asked about remaining land owned by the City after transition of the Bulb to McLaughlin Eastshore State Park; City of Berkeley merged their Waterfront Commission with another group recently; expressed interest in utilizing task forces including regional groups and agencies; noted Council appointees to the WFC have resigned because of the contentious nature of the WFC; duties of WFC can be handled by other City Advisory Bodies, and with the participation of the Council.

MOTION:

Moved by Vice Mayor Wile, seconded by Council Member Barnes to adopt Resolution No. 2014-20, approving the following changes to the City's Advisory Bodies:

1. Social and Economic Justice Commission (SEJC):
 - a. Assign the Community and Human Services Manager as staff liaison
 - b. Continue meeting every other month unless more frequent meetings are needed for the press of business in accordance with Resolution No. 2010-63
 - c. Move from summary minutes to action minutes in line with the practice of all other Advisory Bodies per Resolution No. 2010-63

2. Sunset the Waterfront Committee (WFC) effective May 2014

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

NOES: None

Motion carried and so ordered.

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

Vice Mayor Wile reported that the program Paws to Read will begin again on March 20th where children read to dogs, helping to improve reading scores.

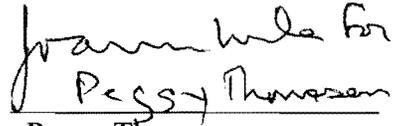
11. ANNOUNCEMENTS

- 11-1. The City Council has scheduled a special meeting in Council Chambers March 5, 2014 at 6:30 PM to conduct a Public Hearing on the UC Village Mixed Use Project 1075/1080/1095 Monroe Street and 1100 San Pablo Avenue.

12. ADJOURNMENT

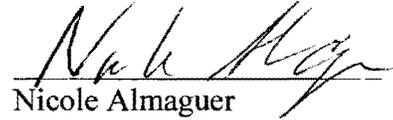
9:28 p.m. There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.



Peggy Thomsen
Mayor

Attest:



Nicole Almaguer
City Clerk