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. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9
   Name of case: Larsen & Rawlings v. City of Albany, Alameda County Superior Court Case No. RG12644349

2. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9
   Name of case: Albany Strollers & Rollers, et al. v. City of Albany, Alameda County Superior Court Case No. RG12644244

3. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9
   Name of case: New Cingular Wireless PCS, LLC, D/B/A AT&T Mobility v. City of Albany, United States District Court Case No. CV1204302YGR

4. Labor negotiations pursuant to Government Code Section 54957.6
   Agency Negotiator: City Manager
   Employee Organization: Albany Municipal Services Joint Powers Authority and City of Albany Public Safety Management
City Council Minutes
March 18, 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 directed City Manager Pollard to lead 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; Anne Hersch, Senior Planner; Charles Adams, Finance & Administrative Services Director; Isabelle Leduc, Recreation Supervisor; Ed Tubbs, Fire Chief.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY
Mayor Thomsen reported that the Council received information on Closed Session items 1-4.

4. CONSENT CALENDAR

4-1. Minutes, March 4, 2013

Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of $204,728.54; taxes, benefits & withholdings in the amount of $280,576.57. Total payroll in the amount of $485,305.11. Payroll period: 2/22/2013

b. Ratification of Albany Municipal Services JPA net payroll in the amount of $48,723.01; taxes, benefits & withholdings in the amount of $63,602.94. Total payroll in the amount of $112,325.95. Payroll period: 2/22/2013

c. Ratification of City of Albany net payroll in the amount of $202,582.25; taxes, benefits & withholdings in the amount of $171,916.59. Total payroll in the amount of $374,498.84. Payroll period: 3/8/2013
d. Ratification of Albany Municipal Services JPA net payroll in the amount of $47,868.38; taxes, benefits & withholdings in the amount of $35,316.57. Total payroll in the amount of $83,184.95. Payroll period: 3/8/2013

Staff recommendation: Ratify.


Staff recommendation: Receive and file.

4-4. Energy Council Joint Powers Authority Revised Agreement

Staff recommendation: That the Council rescind Resolution No. 2012-81 and adopt Resolution No. 2013-9, approving a revised Joint Exercise of Powers Agreement.

4-5. City of Albany Paratransit Program for Fiscal Year 2013-2014

Staff recommendation: That the Council adopt Resolution No. 2013-8 authorizing staff to submit and implement the program plan application for the City of Albany Paratransit Program for fiscal year 2013-2014.

4-6. Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Budget Request and Agreement with Alameda County

Staff recommendation: That the City Council approve the budget request and authorize the City Manager to enter into Agreements with Alameda County for the use of FY 2013-14 Community Development Block Grant (CDBG) funds, projected to be in the amount of $92,664.

4-7. City Council Appointment to Advisory Bodies - Informational Report

a. Council Member Atkinson appointment: Dave Rudiak (Civil Service Board)

Staff recommendation: Information only

Mayor Thomsen asked if anyone would like to remove an item. Council Member Atkinson pulled items 4-3 and 4-6. Council Member Atkinson asked for clarification on status of the budget.

Finance & Administrative Services Director Charles Adams reported that the City has a small surplus in the budget of approximately $15,000, and should be able to
cover all planned expenditures. If a surplus is confirmed near the end of the fiscal year there may be an opportunity for reallocation of the funds. Council Member Atkinson asked for clarification regarding the CDBG grant application to determine funding for housing rehabilitation. Community Development Director Jeff Bond reported that the funding is available to residents in Albany in the form of loans and/or grants. Council Member Maass asked whether the funds for curb ramps could be utilized for sidewalk repairs. Bond replied that the funds must be used for curb ramp improvements.

**MOTION:**
Moved by Council Member Atkinson, seconded by Council Member Maass 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: Don Cary, Paul O’Curry. A summary of comments is as follows: expressed concern regarding appointees on City Advisory Bodies that are also involved in lawsuits against the City, the grass at Area B at Memorial Park is already experiencing issues due to lack of water; expressed concern that the electrical plugs at the Community Center are being blocked off.

City Manager Pollard reported that she will follow up regarding the status of the grass at Memorial Park.

6. **PRESENTATION/PUBLIC HEARING**

6-1. Proclamation in Honor of March 2013 as Red Cross Month
Mayor Thomsen presented the Proclamation to the Red Cross Staff.

6-2. Proclamation in support of the American Cancer Society’s Albany Relay for Life, May 18-19, 2013, at Cougar Field
Mayor Thomsen presented the Proclamation to Albany Relay for Life organizers Angelica Turingan, Doug Milliman and Kim Denton.

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**
8-1. Update from the City’s Wireless Consultant Regarding Feasibility of Wireless Facilities on City Property and Discussion of Initial Amendments to the City of Albany Wireless Ordinance

Staff recommendation: That the City Council:

a. Decide if a wireless facility on City owned property should be further pursued based on the City’s wireless consultant memo
b. Direct staff and the Planning & Zoning Commission to prepare amendments to the City’s wireless ordinance for future City Council review and action

City Planner Anne Hersch delivered the staff report and introduced Peter Gruchawka, wireless consultant for the City. Staff has worked with Gruchawka to identify feasibility of wireless facilities on City property. Staff has also reviewed the existing Wireless Ordinance and has identified areas where language could be clarified. Currently, there are six conventional wireless antenna installations in operation within the City, a seventh approved but not yet under construction, and an application for an eighth facility.

Gruchawka analyzed City and privately owned sites, and identified three potential locations for wireless facilities including Albany Hill, City Hall, and the Community Center, however there are technical issues that would need to be examined in terms of particular coverage needs of individual carriers to avoid signal interference.

The City’s existing wireless ordinance was adopted in 2005, and processing applications has required a significant amount of staff time. The City has encountered two legal challenges from wireless carriers in the past two years. Hersh also noted that staff has asked Gruchawka to conduct radiofrequency (RF) monitoring on existing facilities, and that staff is exploring the feasibility of purchasing an RF monitor to make available to the public.

A summary of Council questions is as follows: asked if the cell towers in North Berkeley provide coverage to Albany; asked if the coverage maps provided by the consultant are for both voice and data; asked about the transition to LTE and related bandwidth issues; asked about the difference between microcells and distributive antenna systems; asked about whether it was likely for carriers to share a site; asked about potential changes in Federal law in the next several years.

Gruchawka responded that carriers may customize coverage areas and deployment needs, and poles in North Berkeley may not cover Albany depending on the level of demand for coverage; the maps provided are for voice service, they could also be for data depending on the level of need; the needs for high speed data will increase over time; distributed antenna systems (DAS) can be shared by multiple carriers. DAS coverage extends approximately a block and is tied to a fiber cable. A micro cell is a single user repeater that covers approximately a half mile radius.
Carriers can and do share sites; there is activity to simplify the application approval process for carriers in the future.

The following people spoke: Ed Fields; Caryl O'Keefe; Bob Outis; Nan Wishner; David Sanger; Clay Larson; Barry Kamil; Peggy McQuaid.

A summary of comments is as follows: expressed interest in locating a site at City Hall, asked about other sites that may have been looked at by the consultant and staff including the USDA site; suggested inquiring with carriers to determine if there is an interest in locating antenna at City facilities, expressed interest in amending the ordinance to ensure utilities such as wireless access are provided as quickly and easily as possible to residents; there has been a serious economic cost due to the adoption of the City's wireless ordinance; there was a significant amount of public input in developing the City's wireless ordinance; expressed interest in locating wireless sites at City facilities and noted that this activity could generate revenue for the City, suggested waiting on making changes to the ordinance; the current review process for wireless sites is inefficient and needs to be updated and residential restrictions should be removed; suggested an objective review of the wireless ordinance.

A summary of Council comments is as follows: expressed support for the existing wireless ordinance; expressed interest in determining whether a wireless facility on City property could be further pursued, and potentially reviewing the ordinance at a later date in the future; clarified that the Planning & Zoning Commission would be the entity to conduct a technical review of the ordinance, noted that the UC Village property could serve as a potential site in the future, expressed support for revising the ordinance because there have been a number of technical changes over the last several years and the ordinance is not consistent with federal law, noted the City has no legal authority to compel carriers to utilize City-owned sites; suggested the revisions to the ordinance ensure installation of wireless facilities are not allowed at schools or parks except for the consideration of Albany Hill, expressed interest in Planning & Zoning Commission reviewing distributed antenna systems; would like the Planning & Zoning Commission to research potential changes to the ordinance as listed in the staff report and provide the information, including pros and cons, to the Council for additional consideration.

**MOTION:**
Moved by Vice Mayor Wile, seconded by Council Member Atkinson that the City pursue the possibility of wireless facilities on City owned property as based on the City’s wireless consultant memo.

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.  
ABSENT: None  
NOES: None  
Motion carried and so ordered.
MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Maass that staff and the City’s wireless consultant meet with the Planning & Zoning Commission to prepare an analysis of the current wireless ordinance and that the analysis include pros and cons of the current ordinance and possible revisions.

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
NOES: None
ABSENT: None
Motion carried and so ordered.

8-2. Fire Chief Position

Staff recommendation: That the City Council authorize the recruitment of a full-time Fire Chief, along with restructuring of the duties and responsibilities previously assigned to the Battalion Chief position.

City Manager Beth Pollard delivered the staff report. For the past two years the cities of Albany and Piedmont have shared the services of a full-time Fire Chief – Ed Tubbs. Tubbs is scheduled to retire effective May 31, 2013. The City of Piedmont has decided to not continue the shared Chief arrangement. The City’s Battalion Chief also recently retired, and after analysis it has been determined that most of the functions of the position could be conducted by non-sworn personnel/employees and/or contracts. Options for retaining a fire chief for the City include contracting with another agency for fire chief services, starting with a trial basis, or directly hiring a fire chief. The fire chief could be tasked with conducting analysis of the Fire Department to determine opportunities for the department’s future including whether it continues as is, contracts for services, or other, and also identify opportunities to improve effectiveness. A number of local cities have contracted with the Alameda County Fire District to provide fire and emergency medical services. Albany is a transport agency, and has fire personnel trained as emergency medical technicians or paramedics on staff that respond to calls and transport by ambulance to the hospital.

The following people spoke: Jack Rosano; Jackie Armstrong.
A summary of comments is as follows: the City’s fire service is one of the most acclaimed and brings in a significant amount of revenue; expressed support for the Fire Department and EMS.
A summary of Council comments is as follows: asked whether putting a limit on the term of the position could limit the number of prospective applicants; asked about the transport services; asked about potential cross training of police officers and fire fighters.
Fire Chief Ed Tubbs reported that transport services can provide faster ambulance response time, and if there is a transition away from being a transport city the transition back to becoming a transport city could not be done; cross training can be challenging due to the high level of training, skill and familiarity required to carry out critical duties.

**MOTION:**
Moved by Vice Mayor Wile, seconded by Council Member Atkinson to authorize the recruitment of a full-time Fire Chief, along with restructuring of the duties and responsibilities previously assigned to the Battalion Chief position.

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 the Senior Center has meals available for Seniors.

City Manager Pollard announced the City of Albany Blood drive on March 26th, and that the Albany Civics Academy application deadline is March 28th.

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.

Peggy Thomsen
Mayor

Attest:

Nicole Almaguer
City Clerk