CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, APRIL 15, 2013

6:45 p.m.
CITY COUNCIL STUDY SESSION
STATE OF CITY INFRASTRUCTURE

Public Works Director/City Engineer Ray Chan and Urban Forester Tony Wolcott made a presentation on conditions, trends, regulations, and needs of Albany’s waste water, storm water, pavement, sidewalks, trees, parks and buildings.

7:30 p.m.
CALL TO ORDER
Mayor Thomsen called the regular meeting of the Albany City Council to order on the above date. Mayor Thomsen sent the City’s thoughts and prayers to the City of Boston.

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; Claire Griffing, Sustainability & Transportation Coordinator; Ray Chan, Public Works Director; Tony Wolcott, Urban Forester; Ed Tubbs, Fire Chief; Jim Boito, Fire Captain; Mike McQuiston, Police Chief; Karina Tindol, Community Engagement Specialist.

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

4. CONSENT CALENDAR

4-1. Minutes, April 1, 2013

Staff recommendation: Approve
4-2. a. Ratification of City of Albany net payroll in the amount of $183,321.74; taxes, benefits & withholdings in the amount of $261,682.49. Total payroll in the amount of $445,004.23. Payroll period: 3/22/2013

b. Ratification of Albany Municipal Services JPA net payroll in the amount of $46,932.84; taxes, benefits & withholdings in the amount of $56,790.28. Total payroll in the amount of $103,723.12. Payroll period: 3/22/2013

Staff recommendation: Ratify.

4-3. Ratification of Police & Fire Pension Plan

a. Payments in the amount of $112,166.57 for the month of February, 2013
b. Payments in the amount of $112,166.57 for the month of March, 2013

Staff recommendation: Ratify

4-4. BKF Contract for the Buchanan Marin Bikeway Phase III and Marin Utility Underground Project

Staff recommendation: that the Council authorize entering into Contract Agreement C13-6 with BKF in the amount of $100,000 for the design of Phase III of the Buchanan/Marin Bikeway, which extends the bicycle lanes from San Pablo Avenue to Cornell Avenue. The project also includes signal modifications at the Marin Avenue/San Pablo Avenue intersection and coordination for the design and implementation of the Marin Utility Undergrounding project.

4-5. Contract Agreement C13-7 with TransForm for the provision of encouragement and education activities at the Albany elementary schools and Middle School

Staff recommendation: that the City Council Authorize the City Manager to enter into Contract No. C13-7 in the amount of $16,950 with TransForm for the implementation of specified items described in Attachment 1 and included in the Educational component of the SRTS grant at the three elementary schools and the Middle School in Albany for the 2012/13 through 2014/15 school years

4-6. Emergency Notification System - Code Red

Staff recommendation: that the Council authorize the City Manager to enter into an agreement with the Emergency Notification Network (ECN) to provide Code Red services, for emergency notifications to the community, in the amount of $7,500 per year for three years

4-7. Federal Emergency Management Agency Assistance to Firefighters Grant Awards

Staff recommendation: that the Council adopt Resolution No. 2013-11, authorizing the City of Albany Fire Department to accept a grant award of
$135,938.00 from the Federal Emergency Management Agency’s (FEMA) Assistance to Firefighters Grant Program to be used to purchase a new ambulance, as well as to accept the shared grant (with Piedmont) in the amount of $136,802.00 to purchase SCBA’s

4-8. Resolution No. 2013-12 authorizing the City Manager to sign Professional Service Agreements for four (4) disciplines of on-call engineering services not to exceed $30,000 per specific engagement with twelve (12) engineering firms

Staff recommendation: that the Council adopt Resolution No. 2013-12 authorizing the City Manager to sign Professional Service Agreements for four (4) disciplines of on-call engineering services not to exceed $30,000 per specific engagement (i.e. task order) with twelve (12) engineering firms


Staff recommendation: That the Council:


4-10. Resolution No. 2013-14 In Honor of Esther Patterson Upon Her Retirement from Service as a School Crossing Guard with the City of Albany Police Department

Staff recommendation: that the Council adopt Resolution No. 2013-14

4-11. Memorandum of Understanding between City of Albany and Albany Peace Officers’ Association (APOA)

Staff recommendation: that the Council Approve Resolution No. 2013-13 – A Resolution of the City Council of City of Albany Approving the Memorandum of Understanding between City of Albany and Albany Peace Officers’ Association (APOA)

4-12. Plan Bay Area: Strategy for a Sustainable Region

Staff recommendation: information item

Mayor Thomsen asked if anyone would like to remove an item. Items 4-1, 4-5, 4-7, 4-8 and 4-12 were pulled by the Council. Council Member Maass requested corrections to the minutes to reflect that the interest for a larger sized playing field
at Pierce Street Park; the Council expressed appreciation regarding grant awards, asked clarification regarding selection of consulting firms for Public Works projects, and asked for additional insight regarding Plan Bay Area including grant opportunities.

**MOTION:**
Moved by Council Member Atkinson, seconded by Council Member Barnes to approve the Consent Calendar with amendments to the minutes.

**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: Robert Urhammer, Caryl O'Keefe, American Cancer Society Representative, Jackie Armstrong, Norm Ludwig.

A summary of comments is as follows: that Pierce Street Park is not the largest park in the City, and that there is a lot of acreage that has not been developed; announced a free medical clinic in the City of Richmond that offers free medical services one night per week, a fundraiser will be held to help support the clinic on Thursday May 2\textsuperscript{nd} at Freight & Salvage. Those interested in attending the fundraiser should contact a member of the Albany Rotary; expressed appreciation for the recent Proclamation from the City Council regarding Relay for Life and announced the Relay for Life event and kickoff party; provided a chronological list of events regarding planning for Pierce Street Park and transition of the Pierce Street parcel to the City from Caltrans; expressed concern regarding the changes made by the Council to the Pierce Street park project.

Vice Mayor Wile requested the Council remove item 8-2 from the agenda. Seconded by Council Member Atkinson, unanimously approved.

Vice Mayor Wile announced that she would like to add an item to the next Council agenda for a letter of support regarding SB 254 Mattress Recycling Bill, which is intended to require recycling plans on mattresses.

Vice Mayor Wile announced that she will also be working on the concept of developing a heritage tree preservation ordinance and would like to include an agenda item in May for the Council to consider directing staff to draft an ordinance.

City Attorney Craig Labadie announced that a settlement agreement has been reached between with regard to the CEQA lawsuit by Albany Strollers & Rollers regarding the UC Village project. The settlement agreement requires minor changes to the mitigation measures to the UC Village project that will be brought to the Council at the next meeting.
6. PRESENTATION/PUBLIC HEARING

6-1. Swearing in of recent CERT training graduates as Disaster Service Workers
Karina Tindol introduced the CERT Program and newly trained Disaster Service Workers noted that the next course will occur in September. Fire Chief Ed Tubbs conducted the swearing in of the Disaster Service Workers.

6-2. Proclamation designating April 14-20 as Library Week
Mayor Thomsen presented the Proclamation for Library Week to Library Board Chair Rosalie Gonzales, Library Branch Manager Ronnie Davis and Children’s Librarian Dan Hess.


Staff recommendation: The Planning and Zoning Commission and the Sustainability Committee recommend that the City Council: Approve Second Reading of Amendments to the Green Building & Bay Friendly Landscaping Regulations of the Albany Municipal Code

Community Development Director Jeff Bond delivered the staff report. The Council approved on first reading amendments to the Municipal Code on April 1, 2013 with no changes to the proposed Ordinance.

Council questions: asked for clarification regarding applicability of Climate Action Plan measures within the Green Building Regulations.
Bond responded that the CAP measures include adopting the optional standards of Green Building Code (Tier 2), however, staff has learned that Tier 2 standards are generally not applicable to developments in the City, and apply more to communities with different electricity usages including air conditioning. Additionally, the CAP Measure for a Point of Sale Ordinance is currently not being recommended due to the need for additional research and the interest for a countywide approach. The City is working in coordination with Stopwaste.Org regarding the potential for a Point of Sale ordinance.
Mayor Thomsen opened the Public Hearing.
There was no public comment.
The public hearing was closed.

MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Maass to Approve Second Reading of Amendments to the Green Building & Bay Friendly Landscaping Regulations of the Albany Municipal Code.

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

7. **UNFINISHED BUSINESS**

8. **NEW BUSINESS**

8-1. Letter of opposition to AB 162 (Holden), proposed State legislation which affects cities’ regulatory authorities and procedures on wireless facilities

Staff recommendation: that the Council authorize staff to prepare and the Mayor to sign a letter of opposition to AB 162, consistent with the position of the League of California Cities

Community Development Director Jeff Bond delivered the staff report. AB 162 would significantly limit the City’s authority to review wireless telecommunications applications, including requiring the City to approve modifications to existing facilities that do not substantially change the physical dimensions of the facility, and an application for a new antenna on an existing facility that increases height by 20 feet or projects out from a building or tower by 20 feet must be approved. AB 162 also reduces the application process time to 45 days, which would generally be too short of an amount of time to process an application.

The following people spoke: Caryl O’Keefe.
A summary of comments is as follows: encouraged support for the letter.
A summary of Council comments is as follows: expressed support for the proposed letter, suggested providing real world examples within the letter.

**MOTION:**
Moved by Council Member Atkinson, seconded by Vice Mayor Wile to authorize staff to prepare and the Mayor to sign a letter of opposition to AB 162, consistent with the position of the League of California Cities.

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

8-2. Policy to consider flying special occasion/event flags on a temporary basis at City Hall

Vice Mayor Wile recommendation: that the City Council adopt a policy for reviewing requests to fly flags on a temporary basis at City Hall
Vice Mayor Wile removed the item from the agenda.

8-3. Proposed Amendments to the League of California Cities Bylaws

Staff recommendation: that the Council review the proposed amendments to the League of California Cities Bylaws and cast a vote regarding the proposed amendments for submittal to the League.

City Manager Beth Pollard delivered the staff report. The League of California Cities Board of Directors has approved submitting two amendments to the League’s Bylaws to the membership. The proposed amendments would amend the Bylaws to provide that Resolutions submitted to the League for presentation to the General Assembly be concurred by at least five or more cities or by city officials from at least five or more cities, and that the League Board may take a position on a statewide ballot measure by a 2/3rd vote of those Directors present.

There was no public comment.

MOTION:
Moved by Council Member Atkinson, seconded by Council Member Maass that the Mayor send in a ballot that reflects the Council’s approval of the Bylaw changes.

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

8-4. 540 Cleveland Avenue Purchase and Sale Agreement

Staff recommendation: that Council approve Resolution No. 2013-10 authorizing the City Manager to execute a Purchase Agreement with Western Forge & Flange to acquire the property at 540 Cleveland Avenue. The purpose is to develop a Public Works Center from which to deliver Albany public works maintenance, operations, engineering, and capital projects services.

Mayor Thomsen recused herself from this item.

City Manager Beth Pollard delivered the staff report. The City has been leasing property for a Public Works Center on an ongoing basis. It has been a goal of the City to secure a permanent site for the Public Works Center. The City purchased 4.5 acres of property between Pierce Street and Cleveland Avenue in 2011 with the intention of developing a park, regional bike path, and a Public Works Center on the site. Due to issues with site topography, access and potential impacts, it has been determined that development of a Public Works Center on this site is not as cost effective as developing the Center on Cleveland Avenue.
Staff was contacted by the owner of 540 Cleveland regarding purchase of the site. The City entered into negotiations with the property owner resulting in a proposed purchase agreement. The site would be utilized to develop a Public Works Center. For planning purposes, staff anticipates that the Center would require 2,000 square feet outdoor area for open storage of materials, 6,800 square feet for warehouse and repair facility, and 10,000 square feet of office area. The overall site is approximately 31,000 square feet and preliminary site planning shows that the space needs can be accommodated on the property.

The purchase and sale agreement includes a number of contingencies such as environmental review, hazardous materials remediation, and further analysis of the site and property reports.

The purchase and sale agreement places responsibility onto the Seller for cleanup of hazardous materials and clearing the site of structures, with the exception of certain below-ground foundations that were located beneath manufacturing equipment. The Seller must also provide environmental insurance to protect the City from liability for future claims arising from the presence of hazardous materials.

The City will have an initial 120-day period of time to access the property, perform testing and analysis, review property documents and conduct environmental review. Escrow is scheduled to close by December 31, 2013, but may be extended to January 31, 2014 if needed.

The purchase and sale price is $1.24 million, requiring a $50,000 deposit by the City into escrow upon execution of the agreement.

Final wording of the purchase and sale agreement will be conducted by the City Attorney. Staff will return to Council with additional information regarding financing for development of the Public Works Center.

The City’s current annual lease payment for the Maintenance Center at 548 Cleveland is $188,541. The term of the lease is through January 31, 2015.

There was no public comment.

A summary of Council comments is as follows: asked about the potential to share the site with the school district, asked for clarification regarding the current lease agreement for the City’s Maintenance facility and current space sizing, expressed appreciation for the project.

MOTION:
Moved by Council Member Atkinson, seconded by Council Member Barnes to approve Resolution No. 2013-10 authorizing the City Manager to execute a Purchase Agreement with Western Forge & Flange to acquire the property at 540 Cleveland Avenue. The purpose is to develop a Public Works Center from which to deliver Albany public works maintenance, operations, engineering, and capital projects services.

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile.
RECUSED: Mayor Thomsen.
ABSENT: None
NOES: None
Motion carried and so ordered.
9. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.

9-1. The City Council will conduct a Strategic Planning Work Session on Monday, April 22, starting at 6:00 p.m., at the Community Center.

Council Member Atkinson announced that she attended the California Democratic Convention. Atkinson also announced the Senior Health Fair on April 25th, and White Elephant Sale on April 27th.

10. ADJOURNMENT

8:55 p.m. There being no further business before the City Council it was moved and seconded to adjourn the meeting with a moment of silence for the City of Boston.

Minutes submitted by Nicole Almaguer, City Clerk.

Peggy Thomsen
Mayor

Attest:

Nicole Almaguer
City Clerk