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 pursuant to Government Code Section 54956.9(d)(2) to discuss anticipated litigation against the City regarding the City’s enforcement of Section 8-4 of the Albany Municipal Code (2 cases).

2. Conference with legal counsel pursuant to Government Code Section 54956.9(d)(1) to discuss existing litigation.
   Name of Case: Albany Housing Advocates; Amber Whitson; Betty Stephenson v. City of Albany. Alameda County Superior Court Case #RG13-697761.

3. Closed session to discuss real property negotiations pursuant to Government Code Section 54956.8:

   Property: 540 Cleveland Avenue
   Negotiating Parties: BUYER: Craig Labadie, City Attorney, and Patrick O’Keeffe, Interim City Manager, for the City of Albany
   SELLER: Western Forge & Flange Company
   Under Negotiation: Price and Terms for the Acquisition of the Property

   Property: Parcel # 066-2760-014-08
   Negotiating Parties: Lessor: Craig Labadie, City Attorney, and Patrick O’Keeffe, Interim City Manager, for the City of Albany
   Lessee: Clear Channel Outdoor
Under Negotiation: Price and Terms for Lease of Property

The following people spoke: Amber Whitson, Katherine Cody, Elisa, Root Barrett, Julie Winkelstein, Catherine Sutton, Lesley Haddock, Lisa Kleinbub, Elliot Hughes, Ann Miley, April Anthony, Megan Sallomi, David Sanger, Emily Bookstein, Andrew Argraves, Effie Rawlings.
A summary of comments is as follows: expressed concern with enforcement of no camping ordinance at the Bulb, expressed interest in the City providing shelter for homeless, expressed interest in allowing additional time before any enforcement begins, expressed concern with litigation and potential expense.

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.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY
Mayor Thomsen reported that the Council gave direction to Legal Counsel regarding items 1 and 2, and Council will reconvene to Closed Session following the regular meeting regarding item 3.

4. CONSENT CALENDAR

4-1. Minutes, September 16, 2013
Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of $199,996.35; taxes, benefits & withholdings in the amount of $163,727.85. Total payroll in the amount of $363,724.20. Payroll period: 9/6/2013

b. Ratification of Albany Municipal Services JPA net payroll in the amount of $81,479.13; taxes, benefits & withholdings in the amount of $53,170.81. Total payroll in the amount of $134,649.94. Payroll period: 9/6/2013
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c. Ratification of City of Albany net payroll in the amount of $229,100.88; taxes, benefits & withholdings in the amount of $313,203.01. Total payroll in the amount of $542,303.89. Payroll period: 9/20/2013

d. Ratification of Albany Municipal Services JPA net payroll in the amount of $40,730.28; taxes, benefits & withholdings in the amount of $49,122.25. Total payroll in the amount of $89,842.53. Payroll period: 9/20/2013

Staff recommendation: Ratify

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of: $379,988.20 (9/13/13)

Staff recommendation: Ratify

4-4. Council Member Barnes appointed Ellen Zweben to the Social and Economic Justice Commission

Staff recommendation: Information only

4-5. Ratification of Police & Fire Pension Plan payments in the amount of $115,150.77 for the month of September 2013

Staff recommendation: Ratify.

4-6. Agreement No. C13-19 with Restoration Design Group to provide annual monitoring and reporting for Codornices Creek

Staff recommendation: that the City Council authorize the City Manager to enter into Agreement No. C13-19 with Restoration Design Group (RDG) for an amount not to exceed $29,820 to continue providing services for the preparation of annual monitoring and reporting for the years 2013 and 2014 of the Codornices Creek Restoration phases 1, 2 and 3

4-7. Amended and Restated Agreement for City Attorney Services

Staff recommendation: that the Council authorize the Mayor to execute the amended and restated agreement for City Attorney Services

4-8. Medi-Cal Supplemental Reimbursement for Albany Fire Department Ambulance Services Resulting from AB 678 Legislative Action

Staff recommendation: that Council adopt Resolution No. 2013-57, approving execution of the Medi-Cal Ground Emergency Medical Transportation Services
4-9. Friends of Albany Seniors (FOAS) Donation of $11,000 to renovate the Senior/Youth Annex garage

Staff recommendation: that Council approve Resolution No. 2013-55 Acceptance of Friends of Albany Seniors’ donation of $11,000 to renovate the Senior/Youth Annex garage to be used as storage for donation received for FOAS’ fundraiser, the White Elephant Sale

4-10. Gift to the City of a Memorial Bench by Friends of Albany Seniors (FOAS) in Memory of Jewel Okawachi to be installed in the Senior/Youth Annex garden

Staff recommendation: that Council approve Resolution No. 2013-56, Accepting a Gift to the City of a Memorial Bench by Friends of Albany Seniors in Memory of Jewel Okawachi to be installed in the Senior/Youth Annex garden

4-11. Letter of Support AB 48 Regulating large-capacity ammunition magazines

Staff recommendation: that the Council authorize execution of the letter by the Mayor in support of AB 48

4-12. Letter of Support AB 1131 - Mental Health and Firearms

Staff recommendation: that the Council authorize execution of the letter by the Mayor in support of AB 1131

4-13. Letter of Support AB 1229 – Zoning Authority for Inclusionary Housing

Staff recommendation: note and file

4-14. Budget amendment for legal services for Consent Decree negotiations to address wastewater collection system compliance

Staff recommendation: that City Council authorize an amendment to the budget for legal services provided by Meyers Nave for continuation of Consent Decree negotiations to address wastewater collection system compliance

4-15. MHSA Innovation (INN) Contract Amendment with the City of Berkeley for the Senior 2 Senior Program

Staff recommendation: that the Council approve Resolution No. 2013-54, authorizing a MHSA Innovation (INN) grant contract amendment with the City of
Berkeley for the Senior 2 Senior program that began May 1, 2012 and will end on June 30, 2014.

Mayor Thomsen asked if anyone would like to remove an item. Mayor Thomsen pulled items 4-9 and 4-10 to express thanks to the Friends of Albany Seniors for the donation of funds and bench.

**MOTION:**
Moved by Council Member Maass, seconded by Council Member Atkinson 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. **PRESENTATION**

5-1. Announcement of Albany Local Week – 2013 UBER Albany Local Winner
Chelle Putzer, Community Services Manager announced the 2013 UBER Albany Local Winner Caryl O’Keefe.

5-2. Proclamation in Recognition of Fire Prevention Week 2013
Mayor Thomsen presented the Proclamation in recognition of Fire Prevention Week 2013.

5-3. Proclamation in Appreciation of the 10th Anniversary of Target’s Community Giving Grant for Albany’s Music in the Park
Mayor Thomsen presented the proclamation in appreciation of Target’s Community Giving Grant.

6. **GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**

Mayor Thomsen opened the Good of the City/Public Forum/Announcements.
The following people spoke: Caryl O’Keefe, Friends of the Albany Library; Mark Creekwater Durasio, Amber Whitson.
A summary of comments is as follows: Announced the Friends of the Albany Library Annual Membership meeting to be held on October 9th at the Community Center; asked about funding for the waterfront park; expressed concern regarding enforcement of no camping ordinance at the Albany Bulb.
Vice Mayor Wile announced that she attended a meeting of Stopwaste and that Albany’s diversion rate of recycled material is 60% over the last five years, and the diversion rate can be improved.
9. **NEW BUSINESS**

9-1. Resolution No. 2013-58 authorizing submittal of an application to the State Water Resources Control Board (SWRCB) for the Proposition 84 Stormwater Grant Program (SWGP) for the Brighton Street Pilot Green Street Project

Staff recommendation: that the City Council adopt Resolution No. 2013-58 authorizing submittal of an application to the State Water Resources Control Board (SWRCB) for the Proposition 84 Stormwater Grant Program (SWGP) for the Brighton Street Pilot Green Street Project in the amount of $300,000

Public Works Director/City Engineer Ray Chan delivered the staff report. The State Water Resources Control Board is accepting applications for the Proposition 84 Stormwater Grant Program to reduce stormwater pollution. The proposed grant project is to conduct a pilot green street project along Brighton Street between Masonic Avenue and Key Route Boulevard. The project would create biofiltration planters with native climate-appropriate plants, tree well filters, educational signage and recreational enhancements, and intersection improvements utilizing bulb outs. A total of $300,000 is being requested for the grant project, with an anticipated City matching dollar amount of up to $60,000. Grant award notifications are expected to be made in December.

The following people spoke: Peggy McQuaid
A summary of comments is as follows: noted that the School District may be considering other uses for the McGregor School site and staff should connect with them.
A summary of Council comments is as follows: expressed support for the grant.

**MOTION:**
Moved by Vice Mayor Wile, seconded by Council Member Barnes to adopt Resolution No. 2013-58 authorizing submittal of an application to the State Water Resources Control Board (SWRCB) for the Proposition 84 Stormwater Grant Program (SWGP) for the Brighton Street Pilot Green Street Project in the amount of $300,000.
AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: None
NOES: None
Motion carried and so ordered.
10. **OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS.**

10-1. Albany Fire Department Pancake Breakfast and Open House: October 12, 8am – Noon

11. **ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY**

**NEW BUSINESS**

11-1. Amendment to Agreement with Regional Government Services for Interim Finance Director and Update on Recruitment Timeline

Staff recommendation: that the Board:

a) Confirm the proposed process and timeline for initiating the Finance & Administrative Services Director recruitment; and

b) Authorize the City Manager to execute an amendment to the agreement with Regional Government Services for Interim Finance Director Services

Interim Finance Director Paul Rankin delivered the staff report. Initiation of a recruitment for a new Finance & Administrative Service Director is recommended. It is also recommended that the City utilize the services of a professional recruiting firm. The firm would assist with review of applications and selection of a recommended list of candidates to be interviewed. Staff will return to the Board with a recommended list of candidates to be interviewed. Staff will also return to the Council with a recommended extension to the current agreement with RGS for temporary services.

There was no public comment on this item.

**MOTION:**

Moved by Board Member Atkinson, seconded by Vice Chair Wile to confirm the proposed process and timeline for initiating the Finance & Administrative Services Director recruitment.

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

12. **ADJOURNMENT**

8:11 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