5:30 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 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 (1 case).

The following people spoke: Catherine Sutton. A summary of comments is as follows: encouraged the Council to consider the alternate proposal regarding the Albany Bulb.

6:00 p.m. SPECIAL MEETING

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. GENERAL PLAN HOUSING ELEMENT UPDATE REVIEW

Authorize Staff to Make Final Revisions to the Draft Housing Element and Authorize Submittal of the Draft to the State Housing and Community Development Department for Review.

Planning & Zoning Commission recommendation: That Council review the draft 2007-2014 Housing Element and comments received from the public and the Commission, authorize staff to make final revisions to the draft Housing Element, authorize submittal of the draft to the State Housing and Community Development Department for review, and explore the use of former
redevelopment “boomerang” funds for implementation for inclusionary and transitional housing policies and programs.
Barry Miller, General Plan Consultant provided an overview and presentation of the Draft Housing Element, including summary of discussions held by the Planning & Zoning Commission.

The following people spoke: Deborah Collins, Public Interest Law Project; Laren Hansen; Public Interest Law Project; Caryl O’Keefe; Amber Whitson; David Levin, Bay Area Legal Aid; Francesco Papalia; Ann Miley.
A summary of comments is as follows: asked that the Council not authorize revisions unless the draft is available to the public for further review, interest in edits to Chapter 6 of the document; interest in the “boomerang” funds being allocated to extremely low income persons; expressed appreciation to staff and the Planning & Zoning Commission for the work on the draft Housing Element, and interest in including the potential for housing at the waterfront; noted that Albany is behind in completing the Housing Element; asked how the City could improve in the future to adequately develop and implement the Housing Element.

Barry Miller noted that the City has a limited availability of sites for affordable housing, that the economy for housing has been challenging, and the City’s strict parking standards are a disincentive.

A summary of Council comments is as follows: expressed appreciation for the work done by the Planning & Zoning Commission; acknowledged upcoming deadline to submit the draft Housing Element and noted that the next update will be done in the near future – 2014; affordable housing is a regional issue, there is a diminishing amount of space for housing and the economic downturn and regulatory constraints such as Measure D are challenging for the housing development market; expressed support for submitting to the State, and for looking further into the opportunities for using “boomerang” funds, expressed interest in adding housing adjacent to the commercial zones to revitalize businesses, expressed interest in amending Measure D.

Bond noted that a successful ballot measure regarding Measure D could potentially alleviate some of the development restrictions for housing.

**MOTION:**
Moved by Vice Mayor Wile, seconded by Council Member Maass to authorize staff to make final revisions to the draft Housing Element, and authorize submittal of the draft to the State Housing and Community Development Department for review, and explore the use of former redevelopment “boomerang” funds for implementation for inclusionary and transitional housing policies and programs.
AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: None
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 received information from legal counsel and that no action was taken.

4. CONSENT CALENDAR

4-1. Minutes, October 7, 2013
Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of $209,362.80; taxes, benefits & withholdings in the amount of $170,966.83. Total payroll in the amount of $380,329.63. Payroll period: 10/4/2013
b. Ratification of Albany Municipal Services JPA net payroll in the amount of $41,515.26; taxes, benefits & withholdings in the amount of $29,338.79. Total payroll in the amount of $70,854.05. Payroll period: 10/4/2013

 Staff recommendation: Ratify

4-3. Ratification of bills, claims and demands against the City of Albany in the amount of: $347,928.76 (9/27/2013)

 Staff recommendation: Ratify

4-4. Contract Amendment with Regional Government Solutions for Interim Finance Director
Staff recommendation: that the Council authorize the City Manager to execute an amendment to the agreement with Regional Government Services for Interim Finance Director Services

4-5. Resolution in Support of Proposition 13 Reform

Council Member Maass recommendation: that the Council adopt Resolution No. 2013-59 in Support of Efforts to Reform Proposition 13

Mayor Thomsen asked if anyone would like to remove an item. Item 4-5 was pulled by the public.

The following people spoke: Bob Outis.
A summary of comments is as follows: Proposition 13 also includes a parent-child exclusion allowing transfer of property to children that is not at the currently assessed value.

Council Member Maass noted that efforts to reform Proposition 13 currently focus on the commercial loopholes, however there are many other issues with Proposition 13 that should be addressed.

MOTION:
Moved by Vice Mayor Wile, 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. PRESENTATION

5-1. Proclamations in Recognition of the Albany Chamber of Commerce 2013 Citizen of the Year Caryl O’Keefe and Youth of the Year Thalia Tom
Mayor Thomsen presented the Proclamations to Caryl O’Keefe and Thalia Tom.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Thomsen opened the Good of the City/Public Forum/Announcements. The following people spoke: Amber Whitson, Paul O’Curry, Lisa Kleinbub.
A summary of comments is as follows: asked where emergency shelter sites will be located; expressed concern with the crosswalk located on Masonic adjacent to the Senior Center and an interest in the Council referring the item to the Traffic & Safety Commission; expressed concern with time limits for public comment.
Mayor Thomsen announced the passing of Mary Wallmann, former Albany High School Librarian.

7. PUBLIC HEARING

7-1. Appeal of PA 13-044 726 Cerrito Street Design Review & Conditional Use Permit for a New Single-Family Home

Staff recommendation: that the City Council approve Resolution No. 2013-61 upholding the Planning & Zoning Commission decision approving Design Review and a Conditional Use Permit for a new single family home at 726 Cerrito St., and adopt findings affirming, with any modifications, the approval of Application #PA 13-044, by Linvill Pond Architects for Barrie Quan and Noel Diaz (property owners)

Community Development Director Jeff Bond requested that the staff recommendation be modified, with the appellant and applicant in agreement, to continue the item to a date uncertain once additional facts regarding the item are researched.

MOTION:
Moved by Council Member Barnes, seconded by Council Member Maass to continue the appeal hearing to a date uncertain.
AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: None
NOES: None
Motion carried and so ordered.

8. UNFINISHED BUSINESS

8-1. Proposed Albany Waterfront Park Transition Plan, language in 8-4 - No-Camping Ordinance, Planning and Zoning Code for Homeless Shelter

Staff recommendation: that Council:
1. Approve Resolution 2013-60 allocating up to $531,000 for the Albany Waterfront Transitional Plan
2. Authorize the City Manager or his designee to enter into a contract with Tucker Construction for the clean-up of the Bulb for up to $100,000
3. Authorize the City Manager or his designee to enter into a contract with Operation Dignity for up to $154,000 for management of transitional housing for six months

3A. As an alternative to providing a mobile transition center operated by Operation Dignity, consider whether to authorize staff to prepare a homeless transition plan based on the written proposal by the attorneys for Albany Housing Advocates,
dated October 15, 2013

4. Direct staff to bring forward a technical, clarifying amendment to the No-Camping Ordinance to delete the word “loiter” from the Ordinance.

5. Approve Resolution of Intention to Amend the Planning and Zoning Code for Homeless Shelter

Assistant City Manager Penelope Leach delivered the staff report. Staff has drafted the Albany Waterfront Park Transition Plan - ACT to provide a comprehensive outline of City action to continue to assist homeless on the Albany Bulb with transitional services and shelter, and includes next steps regarding transfer of the Albany Bulb to the McLaughlin Eastshore State Park. As an alternative to the shelter described in the ACT plan, a proposed housing subsidy program has been submitted by the Albany Housing Advocates. Additionally, concern has been expressed by representatives of homeless advocacy groups about possible vagueness of some of the terms used in the City’s No-Camping Ordinance, particularly the term “loiter” used in Albany Municipal Code section 8-4.4; therefore, staff is recommending that Council direct staff to bring forward technical, clarifying amendment to the No-Camping Ordinance to delete the work “loiter” from the Ordinance. Staff is also requesting approval of a Resolution of intention to amend the Planning and Zoning Code for Homeless Shelters.

The Albany Waterfront Park Transition Plan – ACT includes three major components: Assistance to Homeless including housing-centered outreach, transitional services, support, and shelter; Cleanup of the Bulb; Transfer of the Bulb to McLaughlin Eastshore State Park. The Plan also identifies how each of the major goals can be achieved.

Staff recommended addressing questions regarding items 1-3A together, then addressing items 4-5.

Council Member questions regarding 1-3A: noted that the cost for item 1 should be increased to $570,000 to include showers for the transition center, and funds for an additional subsidized housing program; asked about costs for cleanup and management of cleanup; asked about work that went into developing the program and cost estimates.

Leach responded to questions: Gale Rossi is serving as a project manager regarding cleanup and also supervising the City’s Public Works staff to ensure proper cleanup, collection, documentation and storage of items, Tucker Construction is highly experienced with cleanup projects of this nature. Leach provided an overview regarding the work staff has done to date.

The following people spoke: Root Barrett, Beverly Dove, Tony Suslak, Katherine Cody, Alan Eckert, Julie Winkelstein, Brian Joans, Lisa Kleinbub, Jay Adkisson, Shirley Dean, Paul O’Curry, Amber Whitson, Ellen Barth, Naomi, Anka, Mari Castaldi, Marc Mattonen, Glenn Bachelder, Patricia Moore, Edward Bennett,

A summary of comments is as follows: expressed support for camping on the Bulb; expressed support for transitioning the Bulb to a park, encouraged those interested to look into services offered by Saffron Strand in Richmond; expressed interest in permanent help for homeless; expressed interest to solve problem collectively with Albany Housing Advocates; enforcement of the no-camping ordinance without housing criminalizes low and very low income people; expressed support for the Citizens of Eastshore State Park regarding transition of the Bulb to the McLaughlin Eastshore State Park; encouraged the Council to be aware of other homeless within the City beyond the Bulb; expressed support for the Albany Housing Advocates proposal; expressed support for the City’s transition plan; asked about cost to transfer the property to the State; expressed support for a collaborative, amicable compromise; questioned rush to transition the Bulb to Eastshore State Park; asked why the topic of drug addiction is not being addressed; suggested allowing the Albany Housing Advocates proposal be modified to address City’s concerns.

Mayor Thomsen announced that the Council received a letter from East Bay Community Law Center and Homeless Action Center over the weekend, and provided an overview of the proposal. Mayor Thomsen identified a number of issues with the proposal including methodology, responsible parties for the outcome and guarantee of the outcome, and that the proposal lacked specifics.

A summary of Council comments is as follows: the plan provided by the City is based on a significant amount of research while alternative plans are based upon beliefs and do not include specifics; expressed support for including $35,000 for a housing subsidy program in addition to the transition center and $30,000 for showers as part of the overall program; encouraged people to utilize the services and shelter to make a transition; noted the concern for tuberculosis risk at the Bulb, and that there are issues with illegal drugs at the Bulb, establishing a transition plan can help people to a safe environment; expressed concern with substance abuse at the Bulb, the City’s plan is comprehensive and includes space for dogs, the plan is also constitutional as property storage procedures are clearly established and temporary shelter is being provided; selective enforcement of the no-camping ordinance is not supported, encouraged the proponents of the alternative proposal to conducting fundraising to implement the proposal, the portables will be made available to all homeless in Albany.

MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Barnes to
1. Approve Resolution 2013-60 allocating up to $570,000 for the Albany Waterfront Transitional Plan, including $35,000 for an additional housing subsidy program and $30,000 for showers for the transition center.
2. Authorize the City Manager or his designee to enter into a contract with Tucker Construction for the clean-up of the Bulb for up to $100,000
3. Authorize the City Manager or his designee to enter into a contract for a housing agreement if a housing subsidy materializes
4. Authorize the City Manager or his designee to enter into a contract with Operation Dignity for up to $154,000 for management of transitional housing for six months

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

Additional public comment was received regarding items 4 and 5. The following people spoke: Francesco Papalia, Bob Outis, Tony Suslak. A summary of comments is as follows: expressed concern for the location of the temporary shelter, and interest in a daytime drop-in center; noted the City is out of compliance with the Housing Element; many cities are behind in meeting low income housing requirements.

MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Maass to Direct staff to bring forward a technical, clarifying amendment to the No-Camping Ordinance to delete the word "loiter" from the Ordinance.

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 to Approve Resolution of Intention to Amend the Planning and Zoning Code for Homeless Shelter.

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

1. Provide direction on modification of the soil contamination contingency for the acquisition of the 540 Cleveland parcel.
2. Approve a modified Option 2 concept design for the facility layout.
3. Conceptually approve recommended funding sources for the facility development including LLAD-88 revenues, General Fund revenues used for the existing lease, and new revenues from a lease with Clear Channel Outdoor.
4. Direct staff to initiate an amendment to the Zoning Ordinance to allow a Clear Channel electronic advertising sign on I-580.
5. Conceptually approve the design/build public facilities construction method and direct staff to commence drafting an ordinance to enable this method.
6. Direct staff to prepare a Request for Proposals for soliciting design/build development firms.
7. Authorize staff to prepare a Request for Proposals for design firms for the preparation of specifications for the new building.
8. Direct staff/design firm to analyze the feasibility of solar panels for the facility as part of the specifications development.

Interim City Manager Pat O'Keeffe delivered the staff report. The existing Public Works service center at 548 Cleveland is located in a leased facility that is inadequately sized for the public works operations. The lease will expire in January 2015. Following the receipt of an offer to sell from the current owner, the City entered into a Purchase and Sale Agreement on May 6th, 2013 for the potential acquisition of the 540 Cleveland parcel for a Public Works facility.

There are a number of contingencies in the purchase agreement that need to be resolved before the City can close escrow to acquire the property:

- Condition of title.
- Condition of property (including suitability of soils for the planned facility).
- Demolition of the existing building.
- Completion of remediation of toxic chemicals in the soil and groundwater.
- Obtaining a No Further Action Letter from Alameda County on the Toxic remediation.
- Obtaining insurance for future unknown toxic cleanup liabilities.
• Environmental review pursuant to CEQA.
• Availability of financing for property acquisition and building development.

A blended financing strategy is recommended, which will include ad sign lease revenues thereby reducing the amount of Landscape Lighting Assessment District (LLAD) revenues. It will also be necessary for the City to amend its Zoning Ordinance to allow the sign installation. As a result of financing constraints, the most viable option for constructing the facility is the design/build approach. Using design/build the City would negotiate the elements to be included in the design and a guaranteed maximum price to be paid to the developer. At the conclusion of construction the City would enter into a lease with the developer for 25 – 30 years. The lease payments pay the developer back for the cost of constructing the improvements, and the City would receive ownership of the improvements at the end of the lease term for a nominal payment. Pending authorization, the project could potentially be completed for occupancy in August 2015.

Mayor Thomsen asked that items related to the billboard be voted on with a separate motion.

MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Barnes to
1. Provide direction on modification of the soil contamination contingency for the acquisition of the 540 Cleveland parcel.
2. Approve a modified Option 2 concept design for the facility layout.
3. Conceptually approve the design/build public facilities construction method and direct staff to commence drafting an ordinance to enable this method.
4. Direct staff to prepare a Request for Proposals for soliciting design/build development firms.
5. Authorize staff to prepare a Request for Proposals for design firms for the preparation of specifications for the new building.
6. Direct staff/design firm to analyze the feasibility of solar panels for the facility as part of the specifications development.

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 to
1. Conceptually approve recommended funding sources for the facility
development including LLAD-88 revenues, General Fund revenues used for
the existing lease, and new revenues from a lease with Clear Channel Outdoor.
2. Direct staff to initiate an amendment to the Zoning Ordinance to allow a Clear
Channel electronic advertising sign on I-580

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

9. NEW BUSINESS

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

11. ADJOURNMENT

9:52 p.m. Mayor Thomsen adjourned the meeting in memory of Mary Wallmann.

Minutes submitted by Nicole Almaguer, City Clerk.

[Signature]
Peggy Thomsen
Mayor

Attest:

[Signature]
Nicole Almaguer
City Clerk