MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, DECEMBER 16, 2013

6:00 p.m. – SPECIAL MEETING

CLOSED SESSION

1. CALL TO ORDER

2. 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:

a) Labor Negotiations pursuant to Government Code Section 54957.6
   
   Agency Negotiator: Mayor Peggy Thomsen
   
   Unrepresented Employee: Assistant City Manager/Recreation & Community Services Director Penelope Leach

b) Labor Negotiations pursuant to Government Code Section 59457.6
   
   Agency Negotiator: Interim City Manager Patrick O’Keeffe & Glenn Berkheimer, IEDA
   
   Employee Organization: Albany Fire Fighters’ Association

c) Labor Negotiations pursuant to Government Code Section 59457.6

   Agency Negotiator: Interim City Manager Patrick O’Keeffe & Glenn Berkheimer, IEDA

   Employee Organization: SEIU

ADJOURNMENT
7:30 p.m. - ALBANY MUNICIPAL SERVICES JOINT POWERS AUTHORITY MEETING

Albany Municipal Services JPA meeting held at 7:30 p.m. – minutes for the JPA meeting are provided in a separate document. The Regular City Council meeting was called to order immediately following the JPA meeting.

1. CALL TO ORDER AND ROLL CALL

2. CONSENT CALENDAR

2-1. Minutes, November 18, 2013
   Staff recommendation: Approve

2-2. City Manager Employment Agreement with Penelope Leach

   Recommendation: that the Board of Directors:
   a) Adopt Resolution No. JPA2013-6 appointing Penelope Leach as City Manager and authorizing the execution of an employment agreement;
   b) Adopt Resolution No. JPA2013-5 updating the Albany Municipal Services Joint Powers Authority current pay rates for established positions

2-3. Provisional Appointments for the Recreation & Community Services Department

   Staff recommendation: that the Board of Directors approve the appointments of the Provisional Recreation & Community Services Director and the Provisional Community Services Manager including placement within the pay ranges associated with those positions to compensate for the higher level of responsibility

3. ADJOURNMENT
7:30 p.m. – REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
   Mayor Thomsen called the meeting to order at 7:34 p.m.
   Council Member Maass led the Pledge of Allegiance to the Flag.

2. ROLL CALL
   Present: Council Members Barnes, Maass, Vice Mayor Wile, Mayor Thomsen
   Absent: Council Member Atkinson

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY
   Mayor Thomsen reported that the Council gave direction to the Mayor and
   unrepresented employee regarding Closed Session item 2a, and gave direction to
   the Agency Negotiator regarding Closed Session items 2b and 2c.

4. CONSENT CALENDAR

4-1. Minutes, December 2, 2013
   Staff recommendation: Approve

4-2. a. Ratification of City of Albany net payroll in the amount of $210,149.97; taxes,
   benefits & withholdings in the amount of $173,888.95. Total payroll in the
   amount of $384,038.92. Payroll period: 11/27/2013

   b. Ratification of Albany Municipal Services JPA net payroll in the amount of
   $47,700.21; taxes, benefits & withholdings in the amount of $31,452.04. Total
   payroll in the amount of $79,152.25. Payroll period: 11/27/2013

   Staff recommendation: Ratify

4-3. Ratification of bills, claims and demands against the City of Albany in the amount
   of: $327,507.91 (11/22/13)

   Staff recommendation: Ratify

4-4. Ratification of Police & Fire Pension Plan payments in the amount of $115,915.39
   for the month of November, 2013.

   Staff recommendation: Ratify.

4-5. Award Contract for Construction of 2013 Sewer Improvement Project: Key Route
   Blvd, Cornell Ave and Talbot Ave
Staff recommendation: that the City Council:

a) Adopt Resolution No. 2013-68, awarding a construction contract to Darcy & Harty Construction, Inc. for the construction of the 2013 Sewer Improvement Project: Key Route Blvd, Cornell Ave and Talbot Ave not to exceed $856,885.80, and

b) Adopt Resolution No. 2013-72, Amending the scope and budget of Contract #C13-14 with Nute Engineering for construction management services

4-6. Reappointment of Ruth Cashmere to the Housing Authority of the County of Alameda Housing Commission

Mayor Thomsen recommendation: that the Council reappoint Ruth Cashmere to the Housing Authority of the County of Alameda Housing Commission

4-7. City Manager Employment Agreement with Penelope Leach, Resolution No. 2013-70

Recommendation: the Mayor and Joint Powers Authority Chair recommends the City Council approve the employment agreement with Penelope Leach

4-8. Resolution No. 2013-71 Authorizing the City Manager to Execute an Agreement with Patrick O'Keeffe for Consulting Services

Recommendation: the Mayor recommends the City Council approve the agreement with Patrick O'Keeffe to provide organizational development and project management services

4-9. 2013 Building & Fire Codes Ordinance – Ordinance No. 2013-03

Staff recommendation: that the Council adopt Ordinance No. 2013-03, Amendments to the Building & Housing, Fire Prevention, Chapters of the Municipal Code related the Adoption and Local Amendments to the of the 2013 California Building Standards Code, pass to print

4-10. Annual Report Development Impact Fees Collected as of June 30, 2013 Pursuant to Government Code Section 66001 (AB 1600)

Staff recommendation: that the City Council: 1) Accept the report of Development Impact Fees for the year ended June 30, 2013; and 2) That the City Council adopt Resolution 2013-73 making findings regarding unexpended Capital Facility Fee funds for Fiscal Year 2012/2013

4-11. The Planning Center Scope of Work Amendment for Pierce Street Park
Staff recommendation: that Council authorize the City Manager to amend the scope of work for The Planning Center’s contract to include the completion of the 100% design and construction documents for the Pierce Street Park project phase I

Mayor Thomsen asked if anyone would like to remove an item, and pulled item 4-11, requesting approval of the Consent Calendar items not including item 4-11 as Mayor Thomsen recused herself from item 4-11.

MOTION:
Moved by Vice Mayor Wile, seconded by Council Member Maass to approve the Consent Calendar items as submitted, except item 4-11.
AYES: Council Members Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: Council Member Atkinson
NOES: None
Motion carried and so ordered.

MOTION:
Moved by Council Member Barnes, seconded by Vice Mayor Wile to approve Consent Calendar item 4-11 as submitted.
AYES: Council Members Barnes, Maass, Vice Mayor Wile.
ABSENT: Council Member Atkinson
NOES: None
RECUSED: Mayor Thomsen
Motion carried and so ordered.

Mayor Thomsen recognized Ruth Cashmere and expressed appreciation for her continued service on the Housing Authority of the County of Alameda Housing Commission.

5. PRESENTATION

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor Thomsen opened the Good of the City/Public Forum/Announcements. The following people spoke: Allan Cain, Solano Avenue Association; Peggy McQuaid; Amber Whitson.
A summary of comments is as follows: Announced Santa on Solano Event final weekend; asked that the Teen Center continue to be recognized as the Bill Lewis Teen Center in appreciation of the work of Bill Lewis; expressed concern with the temporary transition shelter and transition of the Bulb.

7. PUBLIC HEARING
7-1. Ordinance No. 2013-04 Amending Section 8-4.4 of the Albany Municipal Code to Make Clarifying Changes to Prohibition on Camping in Parks, Recreation, Open Space, Waterfront, and Albany Hill Areas of the City

Staff recommendation: that the Council introduce for First Reading Ordinance No. 2013-04 amending Section 8-4.4 of the Albany Municipal Code to make clarifying changes to the prohibition on camping in parks, recreation, open space, waterfront and Albany Hill areas of the City

City Attorney Craig Labadie delivered the staff report. At the Council Meeting of October 21, 2013 meeting, Council gave direction to staff to provide edits to Section 8-4.4 of Municipal Code. Chapter VIII, Section 8-4 of the Albany Municipal Code establishes various rules and regulations governing activities in park, recreation, open space, waterfront and Albany Hill areas of the City. Section 8-4.4 provides that no person shall loiter, camp or lodge in any of these areas. To clarify the intended scope of this prohibition, the proposed Ordinance deletes the terms "loiter" and "lodge" and makes other grammatical corrections.

Mayor Thomsen opened the public hearing.
There was no public comment regarding the agenda item.

MOTION:
Moved by Council Member Barnes, seconded by Vice Mayor Wile to introduce for First Reading Ordinance No. 2013-04 amending Section 8-4.4 of the Albany Municipal Code to make clarifying changes to the prohibition on camping in parks, recreation, open space, waterfront and Albany Hill areas of the City
AYES: Council Members Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: Council Member Atkinson
NOES: None
Motion carried and so ordered.

8. UNFINISHED BUSINESS

8-1. Albany Complete Streets Concept Plans for San Pablo Avenue and Buchanan Street

Staff recommendation: that Council adopt the Complete Streets Study for San Pablo Avenue and Buchanan Street

Community Development Director Jeff Bond delivered the staff report. The City has been conducting a planning effort for a Complete Streets concept design for San Pablo Avenue and Buchanan Street since December 2012 when a charrette process to gather public input and concerns about these two corridors took place. The Traffic and Safety Commission (T&S) has also received public input on the
different design features proposed in the Plan, and has recommended that the Council adopt the Complete Streets Plan.
The purpose of the Complete Street Study is to create a new vision for improvements to San Pablo Avenue and Buchanan Street, designed to be safe for all users. The plan can be used for three purposes including incorporation into the General Plan, serving as the basis of project-specific grant applications, and the basis for the design of projects. The plan is intended to be incremental in terms of how it is implemented.
Nelson Nygard Consultants provided an overview of the project and conceptual design of improvements.

The following people spoke: Allen Cain, Solano Avenue Association; Preston Jordan, Carbon Neutral Albany and Albany Strollers & Rollers; Sangeeta Garcha, Max’s Liquors; Erika Lockhart; Chris Cole; Vikas Garcha; James Silva; Ramon Padilla; John Nakamura; Stephen Newhouse - AC Transit; Edwin Kaintu.

A summary of comments is as follows: Expressed concern with potential loss of parking and negative impact on businesses, raised concern with the inefficiency of the street light at Pierce street resulting in a number of idling vehicles; expressed support for the project and bicycle boulevards on parallel streets to San Pablo Avenue, expressed support for relocation of the bus stop; questioned accuracy of parking study, parking is in high demand on San Pablo between Solano to Washington Avenues; delivery trucks will be adversely impacted by the elimination of parking, recommended keeping the bus stop at current location; asked that more parking studies be conducted.

A summary of Council comments is as follows: Acknowledged parking issues, expressed support for bicycle boulevards on streets parallel to San Pablo, parked cars can serve as protection for pedestrians, expressed support for the concept of gateway improvements; expressed support for needs of small businesses, interest in additional studies and to have discussions with AC Transit to determine how to minimize impacts on traffic, expressed support for bike lanes on side streets going with the flow of traffic, expressed support for the plan, with the plan serving as a guiding document.

**MOTION:**
Moved by Council Member Barnes, seconded by Council Member Maass to adopt the Complete Streets Study for San Pablo Avenue and Buchanan Street, with further research to be conducted concerning the bus stop and parking around the intersection of San Pablo & Solano Avenues.
AYES: Council Members Barnes, Maass, Vice Mayor Wile, Mayor Thomsen.
ABSENT: Council Member Atkinson
NOES: None
Motion carried and so ordered.
8-2. Pierce Street Park 35% Plans

Staff recommendation: that Council review and provide direction to staff regarding the location of the proposed crosswalk given the pros and cons of the current location compared to the alternate locations to be presented this evening

Assistant City Manager/Community Services Director Penelope Leach delivered the staff report. The 35% plans for Pierce Street Park were presented to Council on November 4, 2013, including the crosswalk detail. Council Member Barnes requested that the location of the crosswalk be reexamined due to safety concerns. Staff has worked with the landscape architect to review the proposed location of the crosswalk and has developed alternative locations. John Hykes, the consulting project architect from The Planning Center presented location options for the crosswalk.

Mayor Thomsen recused herself from this agenda item.

The following people spoke: Diane Williamson; Norm Ludwig.
A summary of comments is as follows: Expressed support for relocation of the crosswalk, encouraged the Council to consider relocating the crosswalk 50 feet south of 709 Pierce.
A summary of Council comments is as follows: expressed support for safety enhancements to protect pedestrians.

MOTION:
Moved by Council Member Barnes, seconded by Council Member Maass that the 35% plans include moving the crosswalk further south as recommended by staff.
AYES: Council Members Barnes, Maass, Vice Mayor Wile.
ABSENT: Council Member Atkinson
NOES: None
RECUSED: Mayor Thomsen
Motion carried and so ordered.

9. NEW BUSINESS

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

10-1. City Hall will be closed the week of December 23 – 27, and reopen on December 30, 2013

10-2. The January 6, 2014 City Council Regular Meeting is cancelled. The next regular City Council meeting will be held on Tuesday, January 21, 2014
11. **ADJOURNMENT**

10:00 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.

[Signature]

Peggy Thomsen
Mayor

Attest:

[Signature]

Nicole Almaguer
City Clerk