

CITY OF ALBANY

**MINUTES OF THE ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, NOVEMBER 17, 2014**

7:00 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. Labor Negotiations pursuant to Government Code Section 59457.6

Agency Negotiator: City Manager Penelope Leach & Glenn Berkheimer, IEDA

Employee Organization: Albany Peace Officers' Association

ADJOURNMENT

7:30 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Wile called the meeting to order at 7:30 pm.

1. **PLEDGE OF ALLEGIANCE**

Thelma Rubin led the Pledge of Allegiance to the Flag.

2. **ROLL CALL**

Present: Council Members Barnes, Nason, Vice Mayor Maass, Mayor Wile.
Absent: Council Member Atkinson.

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

Mayor Wile reported that Council met and conferred with the agency negotiator and no action was taken.

4. CONSENT CALENDAR**4-1. Minutes, November 3, 2014**

Staff recommendation: Approve

4-2. Ratification of Payroll

a. Ratification of City of Albany net payroll in the amount of \$207,961.15; taxes, benefits & withholdings in the amount of \$173,905.46. Total payroll in the amount of \$381,866.61. Payroll period: 10/31/2014

b. Ratification of Albany Municipal Services JPA net payroll in the amount of \$59,971.87; taxes, benefits & withholdings in the amount of \$36,210.33. Total payroll in the amount of \$96,182.20. Payroll period: 10/31/2014

Staff recommendation: Ratify

4-3. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of: \$109,263.37 (10/24/2014)

Staff recommendation: Ratify

4-4. 2015 Sanitary Sewer Project

Staff recommendation: that the Council authorize the City Manager to amend the consultant services contract with Harris & Associates (Contract C11-14) for splitting the unfinished 2012 Sanitary Sewer Project into three separate projects and develop final Plans, Specifications and Estimates for each project including the 2015 Sanitary Sewer Project in the amount of \$51,789

4-5. Ordinance No. 2014-09 to amend Section 9-1.4 (b) of the Albany Municipal Code to allow for an increase in the speed limit from 25 mph to 30 mph on a portion of Cleveland Avenue

Staff recommendation: that the Council adopt Ordinance No. 2014-09 to amend Section 9-1.4 (b) of the Albany Municipal Code to allow for an increase in the speed limit from 25 mph to 30 mph on a portion of Cleveland Avenue. – Second Reading - Pass to print

4-6. Revised Resolution to reaffirm and authorize continued participation of the City of Albany in the Alameda County Urban County for Community development Block Grant Funds

Staff recommendation: that the Council adopt Resolution No. 2014-98 reaffirming and authorizing continued participation of the City of Albany in the Alameda County Urban County for Community development Block Grant Funds and execution of the revised cooperation agreement on September 15, 2014 by the City Administrator

4-7. Police Fleet Utility Vehicle Purchase

Staff recommendation: that the Council adopt Resolution No. 2014-99 authorizing the use of state COPS Program grant funds to purchase two (2) 2015 Ford Police Interceptor Utility patrol vehicles at a base cost of \$27,728.00 each. Total authorization request for purchase: \$55,456.00

4-8. Albany Senior Center Accessibility Renovation Project

Staff recommendation: that the Council authorize the City Manager to enter into a contract agreement with Plum Architects in the amount of \$22,200 to provide professional architectural services for the design and construction support of the Senior Center Accessibility Renovation project

4-9. AB 1234 Reporting on California Municipal Revenue and Tax Association Conference

City Treasurer recommendation: Information only

Mayor Wile asked if anyone would like to remove an item, no items were pulled from the Consent Calendar.

MOTION:

Moved by Vice Mayor Maass, seconded by Council Member Barnes to approve the Consent Calendar items as submitted.

AYES: Council Members Barnes, Nason, Vice Mayor Maass, Mayor Wile

NOES: None

ABSENT: Council Member Atkinson

5. **PRESENTATION**

5-1. Proclamation Supporting the Relay for Life Albany 2015, May 16-17
Council Member Nason presented the proclamation.

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

Mayor Wile opened Good of the City/Public Forum.

The following people spoke: Catherine Sutton; Peggy McQuaid; Amber Whitson; Julie Winklestein.

A summary of comments is as follows: announced work of the Diverse Housing Working Group, announced the Occupy the Farm film showings; presented the work done by the Albany Community Foundation to support "Project Hope" by

providing support to persons who were homeless in Albany and transitioning to housing; asked about continuation of Project Hope through Berkeley Food & Housing Project, encouraged stability and consistency in case management staff; expressed concern with people not stopping at stop signs and requested additional enforcement.

7. PUBLIC HEARING

- 7-1. Ordinance No. 2014-10 to amend Section 8-4 of the Albany Municipal Code to modify the regulations governing activities in City parks, recreation, open space, Waterfront and Albany Hill areas by establishing additional categories of prohibited activities, making clarifying revisions and adding penalty provisions

Staff recommendation: that the Council:

1. Introduce for first reading Ordinance No. 2014-10 to amend Section 8-4 of the Albany Municipal Code to modify the regulations governing activities in City parks, recreation, open space, Waterfront and Albany Hill areas by establishing additional categories of prohibited activities, making clarifying revisions and adding penalty provisions; and
2. Receive informational copy of revised Administrative Procedures for the Removal of Temporary Shelters, Personal Property, and Refuse Illegally Placed on Public Property in Parks, Recreation, Open Space, Waterfront and Albany Hill Areas of the City

City Attorney Craig Labadie delivered the staff report. Section 8-4 of the Albany Municipal Code establishes various regulations on the use of City parks, recreation, open space, waterfront and Albany Hill areas. These regulations include a prohibition on camping and storage of personal property in the designated public areas. In September 2013, the City Manager issued administrative procedures for the removal of camping equipment and other personal property items which had been stored in violation of Section 8-4. These procedures included special noticing requirements for large, long-term encampments.

The proposed Ordinance amends Section 8-4 to prohibit additional types of activities which are considered incompatible with the daytime use and enjoyment of the designated areas by the general public. These additional activities include: (1) use of sound amplifying equipment to produce excessive noise; (2) using cooking devices such as camp stoves or portable barbeques which involve flammable fuels; (3) unauthorized operation and parking of motor vehicles; and (4) possession or firing of dangerous weapons. Additionally, the proposed Ordinance makes various clarifying revisions and establishes penalty provisions which are specific to Section 8-4.

The current Ordinance prohibits bicycling along Albany Hill except on streets and designated bike paths, staff has amended this portion of the Ordinance since the City does not have formerly designated bike paths in the open space parks. The revised language in the Ordinance leaves the existing language in place regarding bicycle usage on Albany Hill and does not include language regarding limiting bicycles on the Albany Bulb.

The curfew provisions within the Ordinance have been amended to match with the East Bay Regional Park District (EBRPD), 10pm – 5am.

The noise provisions have been amended to exempt City-sponsored events.

Additionally, the cleanup procedures have been updated to simplify the noticing requirements by eliminating the distinction between different categories of illegal encampments. The revised cleanup procedures are presented as an information item only; no City Council action is needed.

The following people spoke: Tony Sustak, Citizens for Eastshore State Parks; Karen White; Julie Winklestein; Signe Matison; Lisa Kleinbub; Francesco Papalia; Bob Outis; Amber Whitson; Thelma Rubin; Ann Miley.

A summary of comments is as follows: encouraged adoption of a curfew from sundown to 5am; expressed concern with additional regulations impacting homelessness; raised concern with lack of information sharing with the Park & Recreation Commission and public input on waterfront related matters; raised concern with the proposed Ordinance and the fines and penalties; Albany Hill has improved since increased enforcement has occurred, expressed support for regulations regarding open space; encouraged additional consideration of how to help solve homelessness.

A summary of Council comments is as follows: expressed support for curfew times, noted the terrain at Albany Bulb and the Albany Bulb are different for bicycling; the City has successfully housed 31 people who were homeless; reiterated that the goal is to have the parkland managed by EBRPD as an entity more capable of managing the area, expressed appreciation to those that raised issues regarding bicycle accessibility; suggesting omitting “sand” under unauthorized activities, 8-4.7 A to avoid confusion with the Beach; the Park & Recreation Commission could study bicycle access areas; the City continues to work on housing issues, and providing assistance to people who were formerly homeless.

MOTION:

Moved by Vice Mayor Maass, seconded by Council Member Nason to

1. Introduce for first reading Ordinance No. 2014-10 to amend Section 8-4 of the Albany Municipal Code to modify the regulations governing activities in City parks, recreation, open space, Waterfront and Albany Hill areas by establishing additional categories of prohibited activities, making clarifying revisions and adding penalty provisions, with the edit to omit “sand” under unauthorized activities, 8-4.7; and

2. Receive informational copy of revised Administrative Procedures for the Removal of Temporary Shelters, Personal Property, and Refuse Illegally Placed on Public Property in Parks, Recreation, Open Space, Waterfront and Albany Hill Areas of the City

AYES: Council Member Nason, Vice Mayor Maass, Mayor Wile

NOES: Council Member Barnes.

ABSENT: Council Member Atkinson.

- 7-2. Ordinance No. 2014-11, Amendments to Chapter 20 “Planning and Zoning” related to Housing Element Implementation

Staff recommendation: that the Council introduce for first reading Ordinance No. 2014-11 amending Chapter 20 “Planning & Zoning” of the Albany Municipal Code related to Housing Element Implementation

City Planner Anne Hersch delivered the staff report. On March 3, 2014, the City Council adopted the 2007-2014 Housing Element. Chapter 6 of the Housing Element includes “Goals, Policies, and Action Programs” which are intended to carry out the adopted housing goals. The following programs have already been completed or are under preparation.

- 2.I Second Unit Amnesty (completed July 16, 2014)
- 2.J Second Unit Rents (completed September 2014)
- 3.E Transitional and Supportive Housing
- 3.G SB2 Compliance (completed March 2014)
- 4.B Second Units (completed July 16, 2014)
- 4.F Parking Study (In progress with a grant through ACTC, completion expected April 2015)
- 4.G Measure D Ballot Initiative (Working group meetings held in 2014, potential ballot measure in 2016)

On October 8, 2014, the Planning & Zoning Commission began the process of implementing the proposed policy changes by adopting Resolution 2014-07 approving a Resolution of Intention to Amend the Planning and Zoning Code. At the Commission’s following meeting on October 22, 2014, the Commission reviewed the proposed changes and unanimously approved a recommendation to the City Council to authorize amendments to Chapter 20 “Planning & Zoning” of the Albany Municipal Code. The proposed amendments are consistent with the following policies from the Albany Housing Element for the 2007-2014 planning period.

- **2.A:** Minimum Densities (20.24.020 Table 2.B)
- **2.D** Density Bonus (20.40.040) (F)

- **4.A** Use Permit Requirements for Multi-Family in R-4 zone (20.12.040) Table 1
- **4.E.** Single Room Occupancy (SRO) Units (add a definition within the Municipal Code) 20.12.040, 20.16.020(A)

As part of the Housing Element implementation for the 2007-2014 current cycle, there are four additional policies to be adopted that require a formal amendment to Chapter 20 “Planning & Zoning” of the Albany Municipal Code. The Planning & Zoning Commission reviewed and adopted Resolution 2014-07 forwarding a recommendation to the City Council to amend Chapter 20 of the Albany Municipal Code consistent with the Housing Element policies. These policies are generally technical in nature and in themselves, do not change the basic zoning standards associated with development of housing within the City.

The following people spoke:

A summary of comments is as follows:

A summary of Council comments is as follows:

MOTION:

Moved by Council Member Nason, seconded by Vice Mayor Maass to introduce for first reading Ordinance No. 2014-11 amending Chapter 20 “Planning & Zoning” of the Albany Municipal Code related to Housing Element Implementation.

AYES: Council Members Barnes, Nason, Vice Mayor Maass, Mayor Wile

NOES: None

ABSENT: Council Member Atkinson

8. UNFINISHED BUSINESS

9. NEW BUSINESS

- 9-1.** Resolution No. 2014-100 amending the Albany Active Transportation; Approval of Striping and Signage Plans, and Amendment No. 1 for Contract #13-16 with Fehr and Peers Transportation Consultants

Staff recommendation: that the Council:

1. Approve the Striping and Signage construction plans for implementation with future pavement rehabilitation projects; and
2. Adopt Resolution No. 2014-100 amending the Active Transportation Plan (ATP) to establish Spokane Avenue as a bicycle route, and to establish a policy for bicycle and pedestrian facilities along San Pablo Avenue per Goal 2 of the Goals, Objectives, and Actions Section of the ATP;

3. Authorize the City Manager to execute an Amendment to Contract #13-16 with Fehr and Peers for the design of bulb outs at the intersection of Santa Fe and Solano Avenues, the evaluation of a traffic circle at the Santa Fe/Washington intersection, and pavement striping at the Santa Fe/Ramona and Santa Fe/Pomona intersections; and
4. Appropriate \$8,450 in Measure B pass through monies to fund the work outlined in the proposed Amendment to Contract #13-16 with Fehr and Peers.

Community Development Director Jeff Bond delivered the staff report, and Consultant Ryan McClain from Fehr & Peers provided a presentation. In 2012, the City Council approved the ATP, which updated the City's Bicycle Master Plan and established the first Pedestrian Plan for the City.

On September 3, 2013, the City Council authorized the City Manager to enter into a contract with Fehr and Peers (transportation planning and design consultants) to prepare construction plans for the striping and signage projects of the ATP. About half of the ATP projects involve striping and signage, which is a relatively easy and cost-effective way to implement projects contained in the ATP, compared to making physical changes in roadway and sidewalk. Striping and signage projects include Class II and Class III bicycle facilities, which consist of bike lanes, bicycle pavement markings (sharrows), and bicycle boulevards. The work on the design of striping and signage projects began in September 2013 and has been reviewed by the Traffic and Safety Commission. At the June 2014 Meeting, the Traffic and Safety Commission approved a motion that the City Council consider adopting the plans for striping and signage.

During the development of projects for the ATP, the Traffic and Safety Commission requested the Consultant add Spokane Avenue. This bicycle route was requested to create a low volume, low stress route for bicyclists traveling to Albany Middle School and El Cerrito. Given the upcoming design for the development of the Complete Streets project for San Pablo Avenue, it is recommended that Action item on Page 4-73 of the adopted ATP be revised to include policy language regarding the consideration of bicycle and pedestrian facilities when redevelopment occurs to promote bicycle connectivity along San Pablo Avenue.

The scope of work for Contract # 13-16 included an optional task for the design of bulb outs at the Santa Fe/Solano Avenue intersection and the feasibility of the implementation of a traffic circle at the Washington/Santa Fe Avenue intersection. As an outcome of the October 2014 Traffic & Safety Commission meeting, staff asked Fehr and Peers to develop striping designs to improve bicycle and pedestrian safety at the Santa Fe/Pomona and Santa Fe/Ramona Avenue intersections that is being used in the evaluation of the chokers at these intersections.

Transportation Planner Aleida Andrino Chavez added that the chicanes along Santa Fe Avenue are currently under review by the Traffic & Safety Commission.

The following people spoke: Preston Jordan, Albany Strollers & Rollers; Howard McNenny.

A summary of comments is as follows: expressed support for the project and requested specific signage coloring for the two bicycle networks – purple signage for the relaxed network and green signage for the rapid network; expressed support for removal of the chicanes as they have not effectively slowed traffic on Santa Fe, encouraged a raised crosswalk to replace the chicane, landscaping on roundabouts is not well maintained.

City Attorney Craig Labadie noted that the types of transportation changes being discussed affect transportation citywide, and therefore taking action on the item does not require recusal by Council Members.

Andrino Chavez added that the signage on Washington Avenue can be purple signage, however the ATP calls for particular signage. The Traffic & Safety Commission is testing the striping to see if it improves the effectiveness of the chicanes.

A summary of Council comments is as follows: encouraged consideration of colors used for the signage and striping; expressed interest in additional bike racks throughout the City; expressed interest in the raised crosswalk option to help improve safety; expressed support for changing signage colors if it is a substantive improvement and encouraged staff to consider this item further.

MOTION:

Moved by Council Member Barnes, seconded by Vice Mayor Maass to

1. Approve the Striping and Signage construction plans for implementation with future pavement rehabilitation projects; and
2. Adopt Resolution No. 2014-100 amending the Active Transportation Plan (ATP) to establish Spokane Avenue as a bicycle route, and to establish a policy for bicycle and pedestrian facilities along San Pablo Avenue per Goal 2 of the Goals, Objectives, and Actions Section of the ATP;
3. Authorize the City Manager to execute an Amendment to Contract #13-16 with Fehr and Peers for the design of bulb outs at the intersection of Santa Fe and Solano Avenues, the evaluation of a traffic circle at the Santa Fe/Washington intersection, and pavement striping at the Santa Fe/Ramona and Santa Fe/Pomona intersections; and
4. Appropriate \$8,450 in Measure B pass through monies to fund the work outlined in the proposed Amendment to Contract #13-16 with Fehr and Peers.

AYES: Council Members Barnes, Nason, Vice Mayor Maass, Mayor Wile
NOES: None
ABSENT: Council Member Atkinson

9-2. Marin-Curtis Safe Routes to School Pedestrian Improvements Approval of Construction Plans, Call for Construction Bids, Appropriation of Funds, and Contract Amendment with TJKM Transportation Consultants for the Addition of Design Task

Staff recommendation: that the Council adopt Resolution No. 2014-101:

1. Approving the Construction Plans and Engineer's Estimate for the Marin-Curtis Safe Routes to Schools Project;
2. Authorizing the City Manager to issue a Call for Construction Bids in the Spring of 2015 and allocate the needed funds to close the construction phase funding gap;
3. Appropriating funds for the project; and
4. Authorizing the City Manager to execute an amended professional services contract with TJKM Transportation Consultants for the inclusion of an optional task to design a raised crosswalk on the north leg of the Curtis/Sonoma intersection and allocate the necessary funds to build the additional task

Community Development Director Jeff Bond reported that staff would like to postpone action on this item to a future meeting so additional review can be conducted regarding the turnaround radius for the roundabouts and traffic circles to confirm usability by emergency vehicles. Bond encouraged the Council to hear from members of the public wishing to speak on the item.

Vice Mayor Maass recused himself.

The following people spoke: Preston Jordan, Albany Strollers & Rollers; A summary of comments is as follows: expressed support for the project, the oblique cuts in the asphalt along the cycling lane on Marin could impair usability of the cycling lanes by bicyclists, encouraged the cuts along the strip between the cycling lane and motorist lane and/or perpendicular to the cycling lane.

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

Council Member Nason reported that she obtained a copy of the powerpoint presentation from the EBRPD scoping meeting for the Albany Beach Restoration project and that it will be made available to the Council and the public. she heard A key issue is to identify mitigation measures for dog use and analysis of how to

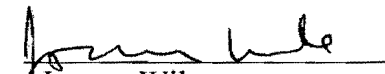
share the area. Nason also encouraged discussion to occur in Albany regarding the project.

Mayor Wile announced that she will be attending the Library Board Meeting tomorrow at 7pm.

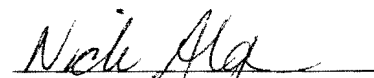
11. ADJOURNMENT

9:23 p.m. The Council adjourned in Memory of Doug Fletcher.

Minutes submitted by Nicole Almaguer, City Clerk.


Joanne Wile
Mayor

Attest:


Nicole Almaguer