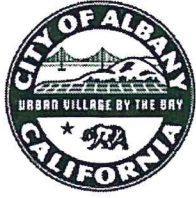


Date Approved: November 2, 2015



CITY OF ALBANY

MINUTES OF THE ALBANY CITY COUNCIL CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE MONDAY, OCTOBER 19, 2015

7:30 p.m.

CALL TO ORDER

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

1. PLEDGE OF ALLEGIANCE

Mayor Maass led the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members McQuaid, Nason, Pilch, Vice Mayor Barnes, Mayor Maass

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

4. CONSENT CALENDAR

4-1. Minutes, October 6, 2015

Staff recommendation: Approve

4-2. Ratification of Payroll – City of Albany: Payroll Period: 10/2/15, Net Payroll: \$229,878.81, Taxes, Benefits, Withholdings: \$185,592.72, Total: \$415,471.53

Staff recommendation: Ratify

4-3. Ratification of Payroll – Albany Municipal Services JPA: Payroll Period: 10/2/15, Net Payroll: \$60,107.35, Taxes, Benefits, Withholdings: \$36,436.20, Total: \$96,543.55

Staff recommendation: Ratify

- 4-4. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of: \$227,129.69 (9/25/15); \$187,113.34 (10/2/15)

Staff recommendation: Ratify

- 4-5. Submittal of Grant Application to the Caltrans Sustainable Transportation Planning Grant Program for the Development of a Complete Streets and Corridor Revitalization Conceptual Plan for Upper Solano Avenue (From Masonic Avenue to the Berkeley City Limit)

Staff recommendation: that the Council

- 1) Approve the City of Albany submittal in coordination with the Local Government Commission (LGC) of a grant application in the amount of \$250,000 to the Caltrans Sustainable Transportation Planning Grant Program for the development of a Complete Streets and Corridor Revitalization Conceptual Plan for Upper Solano Avenue (From Masonic Avenue to the Berkeley City Limit); and
- 2) Authorize the Mayor to submit a letter to Caltrans in support of the application.

Mayor Maass asked if anyone would like to remove an item. Item 4-5 was pulled from the Consent Calendar.

Council Member Pilch asked if there was a prioritization listing of the City's Capital Improvement Plan (CIP); and confirmed that upper Solano Avenue complete streets planning will not compete with San Pablo complete streets planning.

City Manager Leach reported that the CIP plan includes criteria that was considered for prioritization including legal mandates, staff capacity, and available funding sources.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason to approve the Consent Calendar as submitted.

AYES: Council Members McQuaid, Nason, Pilch, Vice Mayor Barnes, Mayor Maass.

NOES: none.

Motion carried and so ordered.

5. PRESENTATION

- 5-1. Recognition of Audio/Visual Apprentices

Recreation and KALB Coordinator Brennen Brown presented the certificates to the Audio/Visual Apprentices.

5-2. Revenue Funding Presentation by NBS

Staff recommendation: informational only

City Manager Penelope Leach introduced Tim Seufert from NBS Consulting. The presentation focused on funding opportunities for the underfunded and unfunded items within the City's Capital Improvement Plan. Seufert recommended the most viable options for the City's type of funding needs would likely be either an Ad Valorem Tax (GO Bonds), or a Community Facilities District tax. Both taxes would require a 2/3 voter approval.

A summary of Council comments is as follows: asked about the opportunity to exempt low income and/or senior citizens from a possible tax; asked about the City's borrowing limits; suggested the Council hold a work session to prioritize funding needs; expressed interested in pursuing a ballot measure for the November 2016 ballot; staff capacity may limit the ability to implement additional projects beyond what has been identified in the CIP Plan; expressed interest in a ballot measure for sidewalk repair.

Finance Director David Glasser provided clarification regarding the City's existing bonds and taxes. The City has a sales tax limit, and currently has a high tax rate, however, there is not an explicit debt ceiling.

The following people spoke: Preston Jordan, Albany Strollers & Rollers
A summary of Council comments is as follows: Albany Strollers & Rollers supports a parcel tax to fund repair of sidewalks.

Staff will prepare additional information regarding the CIP plan, including staff capacity to implement planned projects, and additional research regarding possible funding mechanisms for Council consideration in November.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

The following people spoke: Susan Schwartz, Friends of Five Creeks
A summary of comments is as follows: interpretive signs along the Bay Trail at the waterfront are in need of repair and Friends of Five Creeks is interested in contributing funding to support replacement of the signs with a higher quality sign material, trash along Codornices Creek near Target requires immediate attention as it is in violation of the City's clean water permit, Friends of Five Creeks plans on conducting removal of invasive plant species at the Pierce Street Park parcel.

7. PUBLIC HEARING**8. UNFINISHED BUSINESS****8-1. Presentation from Sustainability Committee on Options to Fund Implementation of the Albany Climate Action Plan**

Staff recommendation: that the Council direct the Sustainability Committee to draft language for an increase in the Utility Users' Tax for inclusion on the November 2016 ballot and bring the item back to Council for a final decision in early 2016

Sustainability Coordinator Claire Griffing introduced Max Wei, Sustainability Committee Chair. The City's Climate Action Plan (CAP) was approved in 2010 and established the goal of reducing greenhouse gas emissions 25% below 2004 levels by the year 2020. The City does not have a dedicated funding source for CAP implementation. On July 19, 2010, the City Council requested the Sustainability Committee prepare recommendations to fund implementation of the CAP. The Sustainability Committee submitted a proposal recommending an increase in the Utility Users' Tax (UUT). A ballot measure was not approved for the 2012 ballot. Council reviewed the proposal again on April 7, 2014, and asked the Committee for more detailed information on the uses for the projected revenues.

The Sustainability Committee has voted to recommend that the City adopt a net zero emissions goal for 2050, and the goal is planned for incorporation in the draft General Plan. Establishing a dedicated funding source could help forward CAP implementation. The Sustainability Committee supports a 2% increase in the UUT, which would provide approximately \$200,000 annually. The UUT is currently collected through PG&E utility bills. The Sustainability Committee finds that increasing the UUT is a helpful way to reduce greenhouse gas emissions as it is applied to the utility bill – creating a direct incentive to reduce energy use.

An increase in the UUT to fund CAP implementation would require a ballot measure, and be considered a special tax as it is dedicated for a specific purpose. The California Constitution (Article XIIC) requires 2/3 voter approval for any new or increased special tax.

The Sustainability Committee has identified three programs that could be supplemented by UUT funds including financial assistance for building energy assessments, matching funds for building energy reduction projects, investment fund for City energy efficiency and renewable projects.

City Manager Leach added that administrative overhead could be minimized if there was collaboration with another agency such as PG&E. If staff time is needed to implement the programs a steady funding source would be required.

The following people spoke: Jill Martinucci, League of Women Voters; Erika Lockhart; Preston Jordan, Carbon Neutral Albany.

A summary of comments is as follows: expressed support for the proposed UUT tax to implement the City's Climate Action Plan; expressed concern with additional taxes, and whether there may be other funding priorities for the City; expressed support for the UUT and for the proposed energy audits as it would help the City be competitive for future funding that may be available to achieve the goals established in SB 350, encouraged the tax be written to allow a transition to a tax structured on the greenhouse pollution from gas and electricity usage when PG&E has the capability to bill in such a manner.

A summary of Council comments is as follows: the school district will possibly be seeking a bond measure in June; expressed support for finding funding to further implementation of the CAP; suggested consideration of rebates that are complimentary with existing rebate programs, and analyzing the option of a carbon tax refunded as a flat rate; expressed support for a tax for carbon generation; asked about the popularity of the proposed rebate program; the proposed UUT increase is a small amount of funds; requested additional research to further define the uses for the UUT funds and further analysis of overhead costs, with an allocation of the funding to cover administration expenses, and to research opportunities for collaborations with other agencies or a non-profit to help minimize administration costs; expressed concern with fairness and effectiveness with regard to rental properties where the renter pays the utility bill and the owner does not have an incentive to conduct energy efficiency upgrades; expressed concern with the possibility that the City may not be able to utilize cap & trade opportunities from the State, and encouraged consideration of how to leverage larger funding sources; expressed appreciation to the Committee for their work on the matter to date; encouraged feedback from the City's Economic Development Committee, and whether there will be an impact on local businesses; suggested further discussion of the UUT be included with the intended work session on possible tax measures.

9. NEW BUSINESS

9-1. Consideration of Charter Amendment to Sunset the Civil Service Board

Staff recommendation: that the Council provide direction to staff regarding development of a Charter Amendment to sunset the Civil Service Board

Assistant City Manager/City Clerk Nicole Almaguer delivered the staff report. The City's Civil Service Board was established within the City's original Charter, adopted in 1927. Charter amendments require voter approval. The primary role of the Civil Service Board is to approve eligibility lists resulting from a recruitment

and/or promotion of a classified service position. "Classified Service" employees consist of sworn safety officers in the Police and Fire Departments. The City's Human Resources Manager administers all recruitments, in coordination with Department Heads and the City Manager.

Regulatory and procedural changes have occurred since the establishment of the Civil Service Board. Employees are organized and collectively bargain for wages, hours and other terms and conditions of employment, and grievance procedures have been established. The City is also required to comply with legal regulations such as the Meyers-Milias-Brown Act, Skelly rights and the Public Safety Officers Procedural Bill of Rights Act, and the Firefighters Procedural Bill of Rights. California Public Employee's Retirement System (PERS) also requires utilization of the Administrative Procedures Act when resolving a dispute as to whether a PERS safety member should or should not be industrial disability retired.

In 2010 the City conducted a review of all advisory bodies to the City Council. The review included a recommendation to sunset the Civil Service Board as the duties of the Board are now duplicative. At times there has also been an issue ensuring a quorum of the Civil Service Board, which if the Board is unable to meet, could delay the timing of hiring new safety personnel.

The next general municipal election is scheduled for November 2016. Staff will work with the City's Charter Review Committee to identify whether removal of the Civil Service Board has an effect on the rest of the Charter, and to draft language for a ballot measure for review by the City Council. Should a ballot measure be approved by the voters to sunset the Civil Service Board, staff will also return to the Council with edits to Chapter 3 of the Albany Municipal Code concerning personnel and referencing the Civil Service Board.

The following people spoke: Erika Lockhart; Preston Jordan; Lisa Schneider. A summary of comments is as follows: expressed concern with sunsetting the Board as a new Board Member interested in getting involved in service to the City; in the past the Charter Review Committee has provided analysis and recommendations regarding Charter Amendments.

A summary of Council comments is as follows: asked for clarification regarding the role of the Charter Review Committee; expressed interest in receiving an opinion from the Charter Review Committee including pro/con analysis; noted that the matter would be subject to approval by the voters.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Nason that the Charter Review Committee examine the ramifications of a Charter Amendment to

sunset the Civil Service Board, and that the Committee return to the Council with a report.

Vice Mayor Barnes offered a friendly amendment to the motion: that the Committee work with staff on the preparation of draft language for a possible ballot measure to amend the City's Charter to sunset the Civil Service Board.

Council Member Pilch accepted the friendly amendment to the motion.

AYES: Council Members McQuaid, Nason, Pilch, Vice Mayor Barnes, Mayor Maass.

NOES: none.

Motion carried and so ordered.

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

10-1. Upcoming City Events

Run Around Town – Every Sunday, 8:00 AM, Suzette's Crepe Café, 1226 Solano Avenue

Local Garden Swap – Every Tuesday, 6:30 PM, Community Center

Halloween Carnival, Friday, October 30, 6:30 PM, Community Center

10-2. Upcoming City Meetings

Sustainability Committee, Wednesday, October 21, 7:30 PM, City Hall Council Chambers

Traffic & Safety Commission, Thursday, October 22, 7:00 PM, City Hall Council Chambers

Community Media Access Committee, Monday, October 26, 6 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesdays, October 28, 7:00 PM, City Hall Council Chambers

11. ADJOURNMENT

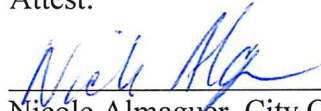
10:26 pm. There being no further business before the City Council it was moved and seconded to adjourn the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.

A handwritten signature in black ink, appearing to read "P. Maass", written over a horizontal line.

Peter Maass
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Nicole Almaguer", written over a horizontal line.

Nicole Almaguer, City Clerk