



7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Mayor Nason reported that, when the Council updated its procedures, she would suggest the Council utilize the traditional Pledge of Allegiance without the phrase "under God" in order to advance the City's commitment to inclusivity. The people of Albany should be able to share their commitment to the indivisibility of the Republic and its aspirations to liberty and justice without injecting a religious element that some could not affirm in good faith.

Mayor Nason led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: None

3. CEREMONIAL MATTERS

3-1. Recognition of Council Member McQuaid for her service as Mayor

Mayor Nason expressed appreciation for Council Member McQuaid's service to the City of Albany as Mayor and presented her with a plaque.

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

5. CONSENT CALENDAR

5-1. Minutes, December 3, 2018

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 12/07/2018; Net Payroll: \$356,905.48; Taxes, Benefits, Withholdings: \$334,619.12; Total: \$691,524.60

Staff recommendation: Ratify

5-3. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$159,785.07 (11/30/18)

Staff recommendation: Ratify

5-4. Resolution Authorizing Amendments to the Salary Schedule for Three Part-Time Unrepresented Employee Classifications to Comply with the State of California Minimum Wage Increase



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Staff recommendation: that the Council approve Resolution No. 2018-139 adopting the new salary ranges

- 5-5.** Resolution No. 2018-137 and 2018-138 authorizing changes to the Advisory Bodies to the City Council

Staff recommendation: that the Council (1) adopt Resolution No. 2018-137, modifying the charge and meeting procedures for certain advisory bodies to the City Council and establishing training procedures for appointees to advisory bodies; and (2) adopt Resolution No. 2018-138, renaming the Sustainability Committee to the Climate Technical Advisory Committee

- 5-6.** CIP Project No. 50103 – Senior Center Renovation – Phase 2 Project Closeout – Contract C18-1

Staff recommendation: that the Council adopt Resolution No. 2018-142 accepting the improvements completed in the Senior Center Renovation – Phase 2 Project, Contract No. C18-1, and authorizing Staff to file the Notice of Completion with the County Recorder's Office

- 5-7.** CIP Project No. 21000 Annual Street Rehabilitation Project Evelyn Avenue Pavement Rehabilitation – Project Closeout Contract C18-50

Staff recommendation: that the Council adopt Resolution No. 2018-141 (1) accepting the improvements completed in the Evelyn Avenue Pavement Rehabilitation Project, Contract No. C18-50; and (2) authorizing Staff to file the Notice of Completion with the County Recorder's Office

- 5-8.** Council Members Appointments to Advisory Bodies

Arts Committee: Sheryl Black (McQuaid); Community Media Access Committee: Naomi Sigal (McQuaid), Chloe Stapleton-Gray (Nason); Parks & Recreation Commission: Tod Abbott (Barnes), Bryan Marten (Nason); Social & Economic Justice Commission: Brian Parsley (Barnes)

Staff recommendation: Informational

- 5-9.** Council Ratification of Appointments for the Planning & Zoning Commission

The following Planning & Zoning Commission appointments have been submitted for Council Ratification: Doug Donaldson (Barnes), Megan Jennings (McQuaid), Elizabeth Watty (Nason)

Staff recommendation: Ratify Appointments

Mayor Nason asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid pulled Item 5-5, and Council Member Maass pulled Item 5-7.



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Item 5-5: City Manager Nicole Almaguer presented the staff report. Staff proposes the title of Climate Technical Advisory Committee in place of Climate Action Plan Technical Advisory Committee (CAPTAC) for the Sustainability Committee as CAPTAC is a bit cumbersome. The primary purpose of the Committee is to focus on implementing the Climate Action Plan.

Item 5-7: CIP Program Manager Robert Gonzales reported East Bay Municipal Utility District (EBMUD) will paint travel lanes, crosswalks, and speed humps on the streets where it dug into and repaved streets. The contractor performing sewer line replacements is responsible for striping the street after repaving the street, and staff will ensure streets are striped when work is complete.

The following persons spoke: Jennifer Daly and Tom Cooper.

A summary of the comments is as follows: concern that the new charge of the Arts Committee will deter members of the public from applying for the Arts Committee and restrict the Arts Committee's work to visual art objects and implementation of the Public Arts Master Plan (Item 5-5); opposition to changing the name of the Sustainability Committee because the Sustainability Committee did not have an opportunity to discuss the change and the names of similar committees in other jurisdictions utilize the terms sustainability or environment (Item 5-5).

A summary of Council comments is as follows: a suggestion for the final sentence of paragraph 1 of Resolution 2018-138 be revised to "[t]he School District appointment shall preferably be a Junior;" a suggestion that the name of the Sustainability Committee should be Climate Action Committee; an update of the Public Arts Master Plan in 2019 can incorporate other work of the Arts Committee such as cultural activities and performing arts; staff should communicate with Advisory Bodies regarding potential changes to Advisory Bodies; support for renaming the Sustainability Committee as the Climate Action Committee.

MOTION:

Moved by Council Member Pilch, seconded by Vice Mayor McQuaid, to approve the consent calendar with amendments to Resolution 2018-138 as suggested by Vice Mayor McQuaid and to change the name of the Sustainability Committee to Climate Action Committee.

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

NOES: None

The motion carries and is so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Nason opened the Good of the City.

The following persons spoke: Kirk Schumacher, Susan Schwartz, and Bob Flasher.

A summary of the comments is as follows: a request for the Council to delete the provision in the Rent Review Ordinance requiring landlords to provide a Notice of Availability of Rent Review to new tenants at the time the parties enter a rental agreement; a listing of Friends of Five Creeks' recent work in Albany; a suggestion for staff to engage with volunteer groups prior to presenting proposals to the Council.



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7. COUNCIL MEMBER REPORTS ON STATE/REGIONAL LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS

Mayor Nason reported Vice Mayor McQuaid and she attended the Alta Bates press conference. Council Members Pilch and Maass and she attended a holiday mixer with the business community. Council Member Barnes, Vice Mayor McQuaid, and Mayor Nason attended a Mayors' Conference.

Council Member Pilch reported he attended a meeting of the East Bay Community Energy (EBCE) regarding the power charge indifference adjustment (PCIA).

Council Member Maass reported he attended a presentation regarding the proposed A's stadium at Howard Terminal and a meeting of the Alameda County Transportation Commission where he learned about the Metropolitan Transportation Commission's (MTC) proposals for housing.

Council Member Barnes reported he attended a meeting of Livable California regarding MTC's CASA Compact.

Vice Mayor McQuaid reported she attended a post-week United Against Hate meeting, the ACTC meeting, the Mayor's Conference, the Everyone Home Leadership Board meeting, and the Leadership Breakfast at the Alameda County food bank. A point-in-time count of homeless people is scheduled for January 30, 2019, and volunteers are needed.

City Manager Almaguer reported sandbag supplies are available at Ocean View Park. Those who need assistance filling sandbags can report to Ocean View Park on January 5, 2019 or contact Neighborhood Services staff. The final Rent Review workshop will be held on January 12. The Albany CARES (Community Access to Resources and Services) program, formerly known as the Albany Resource Volunteers, will be staffed by Neighborhood Services Coordinator Annemarie Heineman. The City has hired part-time office assistants for the Finance and Administration counters.

8. PRESENTATION

9. PUBLIC HEARING

9-1. Economic Development Strategic Plan Implementation: Zoning Ordinance Revisions to Streamline Commercial Development Review

Staff recommendation: that the Council introduce Ordinance No. 2019-01 for first reading, amending the following sections of the Albany Municipal Code: *Chapter 20.12 "Zoning Districts and Permitted Uses," *Chapter 20.16 "Land Use Classifications," *Chapter 20.20 "Regulation of Specific Land Uses," *Chapter 20.28 "Off-Street Parking and Loading Regulations"

Contract Planner Jean Eisberg presented the staff report. The Economic Development Strategic Plan (Plan) highlights the importance of restaurant and retail businesses as major tax generators for the City and identifies policies and programs to retain and attract desirable businesses. The



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key focus of the Zoning Ordinance update is Program 4.C of the Plan. Program 4.C calls for the revision of allowed uses, design review, permits required, and parking ratios in the Zoning Ordinance's commercial districts. The objectives of the proposed revisions are to streamline development review; encourage well-designed and desirable retail and restaurant uses in commercial districts; and tailor revisions to the purpose of each district. She conducted interviews with staff, property owners, architects, retail business owners, and commercial brokers in order to understand challenges of the application and development review process. Stakeholders discussed use permits, outdoor seating, loading areas, tenant improvements for businesses along Solano Avenue, and parking. The Planning Commission held six meetings to consider revisions to the Zoning Ordinance and voted 3-1 to recommend the Council approve the proposed revisions. The Planning Commission considered uses requiring staff review versus a public review before the Commission, beer and wine service versus full alcohol service, and the changing nature of retail. Certain types of development and amenities can be encouraged or discouraged by modifying review thresholds, development standards, performance standards, and required findings.

Proposed revisions include updating the purpose statement for each district to reflect the land use classifications in the recently updated General Plan and the character of each of the three commercial districts; adding use definitions for contemporary and common uses; establishing a hierarchy for allowed uses across the three commercial districts; creating standards for specific types of uses on Solano Avenue; adding specific performance standards for restaurants, bars, entertainment, and gyms; requiring a major use permit for chain stores, defined as 100 or more business establishments across the country, on Solano; on Solano permitting general office uses on the ground floor with a minor use permit while permitting professional office uses on the ground-floor with a major use permit; allowing staff to determine an appropriate parking ratio for a use that is not listed in the Code; adding blended parking ratios for uses in the Solano Commercial District; increasing the ground-floor retail exemption from 1,500 to 2,000 square feet; and eliminating the survey and waiver requirement for in-fill tenants up to 2,000 square feet.

Planning Manager Anne Hersch reported staff has discretion to impose conditions related to operating standards and practices through the conditional use permit process, but staff has no discretion under the parking waiver process. Public hearings for applications requiring a major use permit are noticed to property owners within 300 feet of the subject property. When staff is aware of concerns related to the process for a project, staff places the project on the Planning Commission's agenda. Planning & Zoning Commissioner Donaldson has reservations about any revisions that will modify or eliminate the public hearing process. A restaurant that wants to change its Type 41 alcohol license to a Type 47 license must pay an application fee of \$2,700 or more and wait six weeks before proceeding with the ABC process. A parking survey adds a cost of \$2,700 or more and a six-week waiting period to the process for a business to make improvements. Parking waivers are routinely approved.

Community Development Director Jeff Bond advised that additional revisions, especially for the San Pablo Commercial District, are planned for 2019.

The following person spoke: Clay Larson.

A summary of the comments is as follows: the proposed revisions will reduce parking requirements; the parking survey provides valuable, objective information.



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A summary of Council comments is as follows: the proposed revisions are modest; a preference for parking requirements for businesses along San Pablo and Solano to align with Berkeley's parking requirements; providing parking spaces increases a business' costs and contradicts sustainability goals; residential permit parking programs are preferable to requiring businesses to provide parking; requiring onsite parking when there is no vacant land is futile; a desire for the City to develop specific plans for Solano and San Pablo Avenues; encouragement for staff to place projects before the Planning & Zoning Commission when the public raises issues about the project; Solano Avenue is a destination shopping area and needs to provide parking for shoppers.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to introduce Ordinance No. 2019-01 for first reading, amending the following sections of the Albany Municipal Code: Chapter 20.12 "Zoning Districts and Permitted Uses," Chapter 20.16 "Land Use Classifications," Chapter 20.20 "Regulation of Specific Land Uses," Chapter 20.28 "Off-Street Parking and Loading Regulations."

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

NOES: None

The motion carries and is so ordered.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. Update on Lower Codornices Creek Maintenance and Restoration

Staff recommendation: that the Council (1) review and comment on Lower Codornices Creek Management Actions Memo; (2) authorize expenditure of funds for creek monitoring and maintenance in the Codornices Creek Fund (#71236019) per the Memorandum of Understanding; (3) review and comment on 75% plans for Phase IV of the Codornices Creek Restoration Project

Community Development Director Bond presented the staff report. Codornices Creek forms the southern border of Albany. The primary property owner along Codornices Creek between San Pablo Avenue and the railroad tracks is the University of California. The planning and implementation of Codornices Creek restoration involves the City of Albany, the City of Berkeley, and the University of California. Three phases of restoration work have been completed and included creation of riparian habitats, construction of shared-use trails, and reduction of exposure to flooding. The City, the City of Berkeley, and the University of California entered into a Memorandum of Understanding (MOU) that calls for an annual meeting of the three agencies and establishes responsibilities and funding for creek monitoring and maintenance. In 2004, funds were set aside in an escrow account for maintenance. The MOU did not anticipate homeless encampments. Until 2013, the three agencies met, and funds from the escrow account were disbursed for maintenance work. In early 2018, the agencies resumed meeting regularly. The escrow account was closed, and the funds were transferred to the City of Albany. The City cannot expend the funds until the Council appropriates the funds.



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Staff proposes the annual meeting be held during a Parks & Recreation Commission meeting when staff will review activities during the previous year, plan for the upcoming year, and provide financial reports. In August 2018, the three agencies conducted a site walk, developed a maintenance plan, and agreed to ensure maintenance activities are consistent across the agencies and the three agencies comply with regulatory requirements. The agencies hope to tour the site with regulatory agencies and apply for permits in early 2019. The agencies have implemented a protocol for public reporting of issues at Codornices Creek through the City of Berkeley's 311 system.

Plans for Phase IV of the Codornices Creek Restoration Project are under development. The Capital Improvement Plan (CIP) includes the restoration project. Based on public input, staff divided the project into smaller components, including a new Phase IV project that focuses on the area between Eighth and Tenth Streets. Phase IV involves a bicycle and pedestrian shared-use path, new fencing, an interpretive feature, and minor vegetation management. Outreach has been targeted to specific entities that have worked in the area so that the project will not disrupt their work. The Traffic & Safety Commission will review the project on December 18. Housing probably will not be constructed along Codornices Creek between Eight and Tenth Streets because the area is in a floodplain.

The following persons spoke: Susan Schwartz and Anne Ogonowski.

A summary of the comments is as follows: the maintenance plan does not address any of the maintenance requests from Friends of Five Creeks; the Council should direct staff to recommend structural incentives for maintenance; volunteers should be allowed to attend and speak at meetings of the three agencies.

A summary of Council comments is as follows: encouragement for a yearly onsite meeting of stakeholders to review progress and plans; concern that maintenance will languish again if the Council does not act; angles in the shared-use path should be smoothed out; a desire for Friends of Five Creeks to be involved in the planning of projects; a suggestion to add creeks to the City's e-notification topics; the funds should be captured in the City's financial reports, but they should not be spent before the Parks & Recreation Commission has reviewed the management plan and budget and obtained public input.

City Manager Almaguer reported direction from the Council and Parks & Recreation Commission regarding the Management Actions Memo is welcome; however, changes to the Memo have to be negotiated among the three agencies. Typically, a technical consultant is retained to work with staff and determine the actions needed for creek monitoring and maintenance. If funding is not authorized, work may be delayed. Accounting for the fund can be placed on the City's website so that the public can review and research the information.

MOTION:

Moved by Council Member Barnes, seconded by Vice Mayor McQuaid, to authorize the expenditure of funds for creek monitoring and maintenance in the Codornices Creek Fund per the Memorandum of Understanding and to make detailed financial records of fund expenditures available to the public.

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

NOES: None



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The motion carries and is so ordered.

By acclimation, the Council extended the meeting to 10:45 p.m.

11-2. City Council Appointments to County/Regional Bodies

Staff recommendation: that the Council review and update the appointments to county/regional bodies as necessary

City Clerk Anne Hsu presented the staff report.

The Council reviewed the appointments to County/Regional bodies and made the following appointments:

Alameda County Mayors' Conference: Nason appointee, McQuaid alternate
Alameda County Transportation Commission: Nason appointee, Pilch alternate
Association of Bay Area Governments: Pilch appointee, Barnes alternate
League of California Cities: McQuaid appointee, Barnes alternate
Waste Management Authority: Nason appointee, Maass alternate
Alameda County Housing Authority: McQuaid appointee
East Bay Sports Field Recreational Authority JPA: Maass appointee, Barnes alternate
East Bay Community Energy JPA: Pilch appointee, McQuaid alternate
AUSD-City-UC Village 2x2x2: Nason appointee, McQuaid alternate
Police & Fire Pension Fund Board: McQuaid appointee, Maass alternate

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Pilch, to approve the appointments to County and Regional bodies as stated above.

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

NOES: None

The motion carries and is so ordered.

12. OTHER BUSINESS, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS

Mayor Nason proposed a discussion of the Strategic Plan during a special meeting on January 3, the January 7 Council meeting, and a subsequent Council work session. She wanted to obtain public input regarding the Strategic Plan prior to the Council discussing it.

By acclimation, the Council extended the meeting to 11:00 p.m.

Council Members Maass and Barnes advised that they are not available on January 3.

City Manager Almaguer suggested the Council give direction regarding topics to incorporate into the Strategic Plan on January 7. The Council could discuss a draft Strategic Plan during a subsequent study session and obtain community input. During a third meeting, the Council could hear public comment and review and adopt the draft Strategic Plan.



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City Attorney Craig Labadie proposed moving the January 7 morning meeting to the evening.

Mayor Nason clarified that the January 3 meeting would be an opportunity for the public to meet the Mayor and share their thoughts about the City in general. Council Members are not obligated to attend the meeting.

The Council discussed the purpose and format of the January 3 meeting, the need to notice the meeting, and alternative meeting dates.

The Council reached consensus that the work session on January 7 will include a Strategic Plan update and general concepts for moving the Strategic Plan forward. In a subsequent study session, the Council will discuss the Strategic Plan and hear public comment. At a third meeting, the Council will adopt the Strategic Plan.

12-1. Upcoming City Events

Blood Drive, Tuesday, December 18, 2018, 9:30 AM – 3 PM, Albany Community Center

Noon Year's Eve, Monday, December 31, 11 AM - 1 PM, Albany Community Center

Sandbag Filling Assistance Day, Saturday, January 5, 2019, 10 AM – 1 PM, Ocean View Park

Rent Review Ordinance Community Workshop, Saturday, January 12, 2019, 11 AM, Albany Senior Center

Climate Action and Adaptation Planning Workshop, Wednesday, January 16, 7 PM, City Hall Council Chambers

12-2. Upcoming City Meetings

Traffic & Safety Commission, Tuesday, December 18, 7 PM, City Hall Council Chambers

City Council Special Meeting, Monday, January 7, 9:30 AM, Albany Public Works Maintenance Center

Planning & Zoning Commission, Wednesday, January 9, 7 PM, City Hall Council Chambers

Parks & Recreation Commission, Thursday, January 10, 7 PM, City Hall Council Chambers

Arts Committee, Monday, January 14, 7 PM, City Hall Council Chambers

City Council Meeting, Tuesday, January 22, 7:30 PM, City Hall Council Chambers

12-3. City Hall Holiday Closure: December 24, 2018 – January 1, 2019

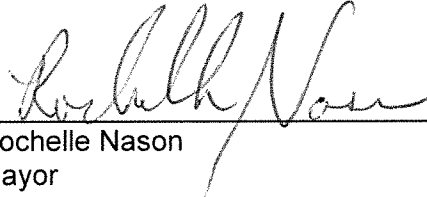


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13. ADJOURNMENT

11:13 p.m. There being no further business before the City Council, Mayor Nason adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.



Rochelle Nason
Mayor

Attest:



Anne Hsu, City Clerk