



CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MAY 1, 2017

6:00 p.m.- SPECIAL MEETING

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:

1. Labor Negotiations pursuant to Government Code Section 59457.6

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|------------------------|--|
| Agency Negotiator: | City Manager Penelope Crumpley & Human Resources Director Gene Boucher |
| Employee Organization: | Albany Fire Fighters' Association |

ADJOURNMENT

6:30 P.M. – SPECIAL MEETING: WORK SESSION

CALL TO ORDER

1. **WORK SESSION: REVIEW OF CITY COUNCIL RULES OF PROCEDURES & ORDER**

The Council will review a draft update to the City Council Rules of Procedure & Order.

Assistant City Manager/City Clerk Nicole Almaguer presented the staff report. She reviewed proposed changes in Item A-1 to allow the Council to consider changing the meeting start time in the future; Item A-3 to add email delivery of notices and to provide flexibility for dialog in different settings; Item A-8 to require the City Manager to report matters that arise during the Council's recess; Item B-1 to allow electronic delivery of agendas; Item B-3 to note pulling items

from the Consent Calendar is not the norm (page 9), to explain matters presented under Council Member Reports on State/Regional/Local Meetings (page 9), and to note the removal of Council Member Reports from Other Business (page 11); Item D-1 to clarify that correspondence relating to agenda matters is also posted to the City website; Item I to explain the nomination process for Mayor and Vice Mayor; and Item M-5 to add guidelines for Council Member attendance at advisory body meetings. If the Council wishes to appoint emergency substitutes under Item Q, staff will return with a separate agenda item for Council Members to appoint three emergency substitutes. Staff will prepare a final draft document incorporating Council comments and present it in a future agenda item.

A summary of Council comments is as follows: noted typos; a request to add to the Good of the City that communication may be from the public or the Council so that Council Members may comment on local events; allow Council Member comments on local events under an item entitled "other business and future agenda items;" a request for a better definition or clarification of emergency in Item Q; add an agenda item for a City Manager's report; add an agenda item, Ceremonial Matters, for the presentation of proclamations/awards/certificates prior to the Consent Calendar; interest in a less formal roll call.

7:30 p.m.- REGULAR MEETING

CALL TO ORDER

- 1. PLEDGE OF ALLEGIANCE**
Council Member Nason led the Pledge of Allegiance.
- 2. ROLL CALL**
Present: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
- 3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
Mayor McQuaid reported Council gave staff direction on how to proceed on the Closed Session item.
- 4. CONSENT CALENDAR**
 - 4-1.** Minutes, April 17, 2017
Staff recommendation: Approve
 - 4-2.** Ratification of Payroll - Payroll Period: 4/9/17; Net Payroll: \$278,095.10; Taxes, Benefits, Withholdings: \$201,094.62; Total: \$579,189.72
Staff recommendation: Ratify
 - 4-3.** Susan Friedland resigned as P&Z Commissioner
Staff recommendation: Information only

4-4. Amendment to Contract (C16-14) for Building Inspection and Plans Examination Services with Coastland Engineering

Staff recommendation: that the Council adopt Resolution No. 2017-23, authorizing the City Manager to amend Contract #C16-14 with Coastland Engineering in an amount not to exceed \$140,000 to provide inspection services for the Community Development and Public Works Departments

4-5. Ordinance No. 2017-02 to amend the contract between the City of Albany and the California Public Employees' Retirement System to merge the former Albany Municipal Services Joint Powers Authority contracts into the City of Albany contracts for retirement and health

Staff recommendation: that the Council adopt Ordinance No. 2017-02, an ordinance of the Albany City Council authorizing an amendment to the contract between the City of Albany and the Board of Administration of the California Public Employees' Retirement System – Second Reading – Pass to Print

4-6. Professional Services Contract with Parisi Transportation Consulting for a Feasibility Study of Two-Way Bike Lanes on Kains Street and Adams Street

Staff recommendation: that the Council authorize the City Manager to execute a professional services contract with Parisi Transportation Consulting for a feasibility study of two-way bike lanes on Kains Street and Adams Street

4-7. Letter of Support - SB 562 (Lara/Atkins), The Healthy California Act

Member Maass recommendation: that the Council approve sending a letter of support for SB 562

4-8. Proclamation Designating May 15, 2017 as Peace Officers Memorial Day and the Week of May 15-21, 2017 as Police Week in the City of Albany

Staff recommendation: that the Council proclaim May 15, 2017 as Peace Officers Memorial Day; authorize each American Flag flown over City of Albany facilities to be flown at half-mast; and, proclaim the Week of May 15-21, 2017 as Police Week in the City of Albany

4-9. Proclamation in Recognition of Affordable Housing Week May 11 – 21, 2017

Staff recommendation: that the Council proclaim May 11 – 21, 2017 as Affordable Housing Week

4-10. Proclamation in Recognition of Mental Health Month

Staff recommendation: that the Council proclaim May 2017 as Mental Health Month

4-11. Updated Salary Schedules for City Employees

Staff recommendation: that the Council adopt Resolution No. 2017-24 – A resolution of the Albany City Council approving the updated salary schedules for members of the Management/Confidential Unrepresented Employees group

4-12. Letter of support for the SNAP/CalFresh programs

Mayor McQuaid recommendation: that the Council approve sending a letter in support of the SNAP/CalFresh programs

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Items 4-1 and 4-4 were removed from the Consent Calendar.

4-1. Vice Mayor Pilch understood the Council directed staff to proceed with a letter supporting both Rules 12-16 and 13-1 in Item 10-2 of the minutes. City Manager Crumpley noted the minutes state "broaden support beyond Rule 12-16 in the letter."

4-4. Council Member Maass questioned whether the City would fill a position within six months or would need to renew the contract with Coastland Engineering every six months. Community Development Director Jeff Bond reported the City would try to recruit and hire a staff person within six months.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Maass, to approve the Consent Calendar.

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

NOES: none

Motion carried and so ordered.

5. COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS

5-1. Council Member Maass Report on Meetings Attended

Council Member Maass reported he attended Alameda County Transportation Commission and Waste Management Board meetings. Art Dao, Executive Director of the Alameda County Transportation Commission, had suggested the Cities of Albany, Emeryville and Piedmont meet to discuss applying for grants jointly because the small size of the three cities placed them at a disadvantage in applying for grants separately.

Vice Mayor Pilch reported Bike to Work Day is scheduled for May 11.

Mayor McQuaid reported Albany is hosting the Mayor's Conference on May 10 and invited Council Members to attend.

6. PRESENTATION**6-1. Review of Advisory Body Work Plans**

Staff recommendation: that the Council:

- 1) Receive a presentation regarding the Community Media Access Committee Work Plan and the Social & Economic Justice Commission Work Plan
- 2) Provide any comments or direction regarding the proposed work plans
- 3) Approve the work plans for implementation

Community Media Access Committee Chair Jack Kenney presented the work plan. The seventh annual Albany FilmFest was successful with record attendance. The FilmFest moved to the Albany Twin Theatre in 2015 and added a new category, Albany Filmmakers Showcase. The Committee added more City meetings and library events to KALB. Initiatives for the next two years are keeping FilmFest sustainable; collaborating with other film festivals; contact with the Pacific Film Archive; generating more content related to Albany; continuing the pop-up studio; and updating the guidelines for submission of content.

The following person spoke: Brian Beall.

A summary of comments is as follows: timeline for submitting video content.

A summary of Council comments is as follows: revenue generated by FilmFest; potential impact on or use of social media platforms; appreciation for KALB's YouTube channel; appreciation for the table listing pros and cons of initiatives.

MOTION:

Moved by Vice Mayor Pilch, seconded by Council Member Nason, to accept the Community Media Access Committee Work Plan.

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

NOES: none

Motion carried and so ordered.

Social and Economic Justice Commission Chair Bart Grossman presented the work plan. The Commission provided analysis for the soda tax; researched and provided recommendations for a rent review program; provided a report on minimum wage activities in the Bay Area; and developed a proposal for a community resource center pilot program. New initiatives are to monitor the operation and outcome of Project HOPE; to review the progress of the Albany Housing Element; to review the draft rent review ordinance when available; to provide recommendations for health and wellness programs funded with soda tax revenues; to perform outreach to low-income residents and seniors regarding low-income tax exemptions; to recommend options for exemptions in future tax

measures and franchise agreements; to investigate service gaps for seniors who wish to age in place; to implement and evaluate the resource center pilot program; and to identify strategies and programs to support inclusivity.

The following persons spoke: Francesco Papalia and Elaine Stelton.

A summary of comments is as follows: concerns about Commission discussion of rent review in relation to the Brown Act; concerns about Commission comments occurring via email.

City Attorney Labadie advised that he could review the allegations at the Council's direction.

A majority of the Council directed the City Attorney to gather information and provide a report.

A summary of Council comments is as follows: appreciation for the Commission's work; Commission review of State legislation.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor Pilch, to accept the Social and Economic Justice Commission Work Plan.

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

NOES: none

Motion carried and so ordered.

6-2. Proposed Albany Creeks and Albany Hill Open Space Maintenance and Capital Improvement Projects

Staff recommendation: that the Council provide direction regarding suggested projects for the City's creeks and Albany Hill open space

City Manager Penelope Crumpley presented the staff report. The Albany Hill CIP projects and Restoration Design Group's (RDG) concept plan designs were taken from the Creekside Master Plan. The Creeks Maintenance Plan was drafted by RDG. Lower Codornices Creek refers to the area from San Pablo to the railroad tracks. The cost of maintenance for lower Codornices Creek is handled through the Memorandum of Understanding (MOU) with UC Berkeley and the City of Berkeley. All other sections of Codornices Creek within Albany are maintained from the Creek Fund, which is Measure R funds. The Albany Hill vegetation management plan was taken directly from the Creekside Master Plan. The lower Codornices Creek CIP project is included in the approved CIP book for 2016-2020. Staff is not requesting Council approval of the concept plans but an indication that the concept plans are the right approach. Plans and specifications will return to the Council for approval after review by the appropriate advisory bodies. The City needs to develop a plan for spending and to spend Measure R

funds in the next few years. Projects could return to the Council as individual projects or all access and circulation projects could return as one project.

Bob Birkeland shared conceptual designs for the Taft steps, the Taft ADA route to the swing area, the Jackson/Taft trail, the Jackson/Madison trail, and signage. The Jackson/Taft trail would be a new, meandering trail, while the existing Jackson/Madison trail would be enhanced. Using the existing fire road for the ADA trail is not feasible. Along the Jackson/Madison trail, the BMX area and eroded trails would be restored. The Taft, Jackson, and Madison trails can be linked through the materials used. At Madison Street, the guardrail could be replaced with wooden bollards with Public Works approval. Birkeland suggested installing only regulatory signage at trailheads.

Construction costs for the Taft steps would be \$96,000, the Taft ADA trail \$235,000, the Jackson/Taft trail \$75,000, the Jackson/Madison trail \$111,000, and signage \$72,000. Construction costs for all five projects would be \$739,000. With general conditions of \$170,000, the grand total would be \$911,000. Design and engineering fees would be \$155,000.

Conceptual plans for the Adams Street Bridge include a 40-foot span, 12-foot width, and concrete abutments and piers. Significant issues are utilities crossing the creek and no conveyance for a 100-year flow. The total cost would be \$346,000, including \$254,000 for construction. The Belmont Avenue Bridge would be a 60-foot span with 8-foot width. A significant issue is the elevation change. The total construction cost would be \$275,000 or a total of \$379,000 with design and engineering fees.

Drew Goetting reviewed natural stream function, storm water treatment, conventional management of streams, dynamic equilibrium, channel structure, riparian vegetation, and regulatory considerations. The University of California is responsible for managing Village Creek. The City's maintenance department is working primarily on lower Cerrito Creek and Middle Creek. Most stream areas are privately owned. The plan provides basic guidance for creek maintenance. Maintenance considerations include seasonal work, protecting habitat and water quality, the need for technical assistance, emergency work, when not to perform maintenance, tree removal and vegetation management, and stream bank erosion. An MOU for Cerrito/Middle Creek with the Center for the Blind, a Department of Fish and Wildlife maintenance permit, a maintenance activity reporting program, and homeowner outreach are future considerations.

City Manager Crumpley advised that Gale Rossi of Public Works calculated the \$60,000 annual cost for creek maintenance based on the concepts presented and the number of labor hours necessary to complete some tasks. Staff does not have a presentation for Albany Hill vegetation management. Recreation and Community Services Director Chelle Putzer conducted outreach with the

community and stakeholders, and RDG met with Friends of Five Creeks. The summary of maintenance costs in the first year for both Albany Hill and the creeks calls out specific areas and ongoing maintenance costs. The annual maintenance cost for creek plans as presented would be \$60,000, and remaining creek funds would be expended in six years. The cost of large-scale projects would exceed available funds by \$55,000. Actual costs had been \$18,000 to \$68,000 annually for maintenance of lower Codornices Creek.

The following persons spoke: Amy Smolens, Carole Fitzgerald, Margot Cunningham, and Francesco Papalia.

A summary of comments is as follows: the Adams Street bridge would be an important regional bike connection; opposition to the use of concrete on trails and for steps; appreciation for most proposed trail improvements; support for the Adams Street bridge.

A summary of Council comments is as follows: measures to ameliorate lower Codornices Creek flooding at the Center for the Blind; concern about improving trails near the end of Madison Street where native American drilling holes are located; plans to remove trees from the top of Albany Hill to provide views to the east; measures to lessen flooding at Adams Street; existing lighting on the Taft trail; plans for lighting on Albany Hill; surfacing for the ADA trail other than decomposed granite and concrete; installation of interpretive signage, perhaps as kiosks; the potential for obtaining State funding; whether costs include possible damage and repair of gas lines; ongoing maintenance costs after depletion of Measure R funds; the need for maintenance costs for trails; the difference between vegetation management and maintenance; Albany's contribution to the escrow account for maintenance of Codornices Creek; an evaluation of buffer zones in case of wildland fires; the ability to construct a bridge at Adams Street to meet Corps of Engineers standards; support for the proposed concept plans; access is important to residents.

The Council directed staff to continue with the approach as presented.

7. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor McQuaid opened the Good of the City.

The following persons spoke: Dave Estipinal, Francesco Papalia, and Amy Smolens.

A summary of comments is as follows: Council discussion of rent control or mediation should include the Costa-Hawkins Act; application of the smoking ordinance to smoking marijuana; Bike to Work Day volunteers needed and the Albany Strollers and Rollers energizer station.

8. PUBLIC HEARING

9. UNFINISHED BUSINESS**10. NEW BUSINESS****10-1. Conceptual Design of the Proposed Park and Ride Lot on the South Side of Buchanan Street between the I-80/580 Freeway Ramps**

Staff recommendation: that the Council provide City support for the project and review comments on the conceptual design

Transportation Planner Aleida Andrino-Chavez presented the staff report. Through the Commuter Parking Initiative, the Metropolitan Transportation Commission (MTC) is allocating \$3 million for implementation of three Park and Ride Lots under freeway interchanges in the East Bay. One location is in Albany at Buchanan Street. MTC wants to create a pilot program and monitor it to determine whether they should expand the program throughout the region. The design phase will be complete in 2017, and implementation is slated for summer/fall 2018. The daily parking fee will be used to defray costs of operations and maintenance. In January 2017, the projected was presented to the Traffic and Safety Commission for its input. Afterwards, staff met onsite with the project team to evaluate the Commission's comments. In April, staff received an updated conceptual plan and presented it to the Traffic and Safety Commission for additional comments. In response to the updated conceptual plan, staff requested a more direct connection between the alternate path and the proposed bus stop, a bulb-out to decrease the turning speed of vehicles, and an on-demand leading pedestrian interval. At its meeting on April 27, the Traffic and Safety Commission expressed concern about the limited amount of funds for the project; full capacity of the Transbay Route L bus when it reaches the proposed bus stop; the height of the fence surrounding the lot; monitoring of carpool behavior; and sufficiency of space for all users of the lot. As funding becomes available, MTC will add amenities such as charging stations. Both AC Transit and MTC agree to private shuttles using the lot. MTC will monitor carpool behavior. AC Transit suggested designing an easy on/easy off bus stop would allow other Transbay routes to use the Park and Ride Lot.

The following person spoke: Amy Smolens.

A summary of comments is as follows: opposition to locking the lot overnight.

A summary of Council comments is as follows: restrictions on users other than commuters utilizing the lot; ownership of the project, the land, and maintenance costs; staffing for the lot; designated handicapped parking spaces; a request to include 20 parking spaces for electric vehicle charging stations in the project; specifications for electric vehicle charging stations; whether bike lockers will be installed in the first phase; anticipated users of the lot; support for charging stations and bike parking as part of the project.

Community Development Director Bond advised that comments from the Council and the Traffic and Safety Commission will be submitted to MTC.

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

Vice Mayor Pilch suggested the Council discuss smoking regulations as part of future items related to marijuana.

11-1. Upcoming City Events

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

Friends of Albany Parks Clean-up Day - Ocean View Park Saturday, May 6, 9 AM

Arts & Green Festival, Memorial Park - Sunday, May 7, 11 AM

Bike About Town - Bikes on Solano (1554 Solano Avenue), Friday, May 19, 6:30 PM

Albany Police Activities League (APAL) Bicycle Rodeo – Cornell School, Saturday, May 20, 10 AM

Friends of Albany Parks Gala & Community Discussion: Memorial Park, Wednesday, May 24, 6:30 PM

@theCenter: Bike-in Movie Night – Community Center, Friday, May 26, 6:30 PM

11-2. Upcoming City Meetings

Social & Economic Justice Commission, Tuesday May 2, 7:30 PM, City Hall Council Chamber

Sustainability Committee, Wednesday, May 3, 7:30 PM, City Hall Council Chamber

Economic Development Committee, Thursday, May 4, 5 PM, City Hall Conference Room

Planning & Zoning Commission, Wednesday, May 10 & May 24, 7:00 PM, City Hall Council Chamber

Parks & Recreation Commission, Thursday, May 11, 7:00 PM, City Hall Council Chamber

City Council Meeting, Monday, May 15, 7:30 PM, City Hall Council Chamber

Library Board Meeting, Tuesday, May 16, 7:00 PM, Edith Stone Room, Albany Library

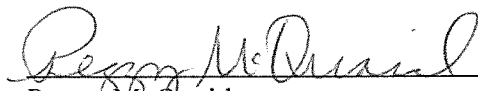
Community Media Access Committee, Monday, May 22, 6:00 PM, City Hall Council Chamber

Charter Review Committee, Monday, May 22, 7:30 PM, City Hall Conference Room

12. ADJOURNMENT

10:20 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.



Peggy McQuaid
Mayor

Attest:



Nicole Almaguer, City Clerk