



5:30 p.m.

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:

- 2-1. Labor Negotiations pursuant to Government Code Section 59457.6**

Agency Negotiator: City Manager Nicole Almaguer, Human Resources Director
Melissa Rojas & Charles Sakai, Sloan Sakai Yeung & Wong
LLP

Employee Organization: Albany Police Officers' Association (APOA)

- 2-2. Labor Negotiations pursuant to Government Code Section 54957.6**

Agency Negotiator: City Manager Nicole Almaguer, Human Resources Director
Melissa Rojas & Charles Sakai, Sloan Sakai Yeung & Wong
LLP

Employee Organization: Albany Fire Fighters' Association (AFFA)

- 2-3. Public employee appointment pursuant to Government Code Section 54957**

Position to be filled: City Attorney

Note: the Council may reconvene to closed session following the regular City Council meeting regarding the above items.

ADJOURNMENT

7:30 p.m.

REGULAR MEETING

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Vice Mayor McQuaid led the Pledge of Allegiance.

- 2. ROLL CALL**

Present: Council Members Barnes, Maass, and Pilch (arrived at approximately 7:35 p.m.), Vice
Mayor McQuaid, Mayor Nason

Absent: None



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3. CEREMONIAL MATTERS

3-1. Certificate of Recognition – Mechanics Bank

Mayor Nason presented the certificate to Mechanics Bank.

3-2. Proclamation – United Against Hate Week

Vice Mayor McQuaid presented the proclamation to Jacqueline McCormick of the United Against Hate Week Steering Committee.

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

Mayor Nason reported Council gave direction to staff.

5. CONSENT CALENDAR

5-1. Minutes, July 15, 2019

Staff recommendation: Approve

5-2. Ratification of Payroll

1. Payroll Date: 7/19/19; Net Payroll: \$328,187.79; Taxes, Benefits, Withholdings: \$326,959.19; Total: \$655,146.98
2. Payroll Date: 8/2/19; Net Payroll: \$322,657.78; Taxes, Benefits, Withholdings: \$319,913.72; Total: \$642,571.50
3. Payroll Date: 8/16/19; Net Payroll: \$323,245.02; Taxes, Benefits, Withholdings: \$324,650.32; Total: \$647,895.34

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: \$1,463,431.89 (7/12/19), \$110,820.06 (7/19/19), \$118,659.61 (7/26/19), \$71,683.90 (8/2/19), \$3,247,688.12 (8/8/19 w/transfer), \$204,661.30 (8/16/19 w/transfer), \$126,780.62 (8/23/19)

Staff recommendation: Ratify

5-4. Ratification of the Police and Fire Pension Board Payments: May \$105,011.90, June \$105,011.90, July \$106,522.34

Staff recommendation: Ratify

5-5. Advisory Body Appointment



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1. Mayor Nason appointed Kate Breeding as a replacement on the Climate Action Committee
2. Resignation of Vorriec Cooper from the Parks, Recreation & Open Space Commission (McQuaid opening)

Staff recommendation: Informational Only

5-6. Temporary Street Closure for the Albany Community Triathlon

Staff recommendation: that the Council:

1. Authorize staff to issue an encroachment permit to the Albany Athletics Boosters to allow a temporary street closure for the Albany Community Triathlon on Sunday, September 29, 2019 from 5 am to 2 pm; and
2. Waive encroachment permit fee of \$146 for this event.

5-7. Cannabis Policy Update

Staff recommendation: that the Council receive the report. No action is required.

5-8. Solano Avenue Complete Streets Study Final Draft

Staff recommendation: that the Council:

1. Adopt Resolution No. 2019-69 accepting the Solano Avenue Complete Streets and Corridor Revitalization Study; and
2. Commit to coordinate with the City of Berkeley on long-range planning of the Solano Avenue corridor for all travel modes; and
3. Direct Traffic & Safety Commission and staff to evaluate and report back to Council regarding bicycle safety improvements for Solano Avenue as part of an update to the Active Transportation Plan and any further development of the concepts in this Study

5-9. Cooling Centers in Albany

Staff recommendation: that the Council adopt Resolution 2019-71 designating the Albany Community Center and Senior Center as cooling centers and authorize the City Manager to keep cooling centers open beyond regular business hours with adequate staff levels when excessive heat advisories for Alameda County are issued

Mayor Nason asked if anyone wishes to remove an item from the consent calendar. Council Member Pilch removed Item 5-7, and Mayor Nason removed Items 5-8 and 5-9.



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Item 5-7: Council Member Pilch requested the item be placed on a future agenda for Council discussion and possible action.

Planning Manager Anne Hersch reported the Planning & Zoning Commission reviewed the ordinance in July and received an informational report. The Planning & Zoning Commission indicated it would work with staff to craft regulations should the Council wish to allow cannabis businesses as a permitted use.

Item 5-8: Mayor Nason hoped the Council reviewed travel corridors holistically.

Item 5-9: Mayor Nason suggested the Council designate safe places for smoke events caused by wildfires.

The following persons spoke: Ian MacLeod, Ken McCroskey.

A summary of comments is as follows: a desire to hear the Council's reasons for not permitting cannabis businesses and support for allowing cannabis dispensaries in Albany (Item 5-7); few bicyclists utilize the Marin Avenue bike lane because the lane is adjacent to moving traffic and there are no businesses located on Marin (Item 5-8); bike lanes need to be connected and continuous for bicyclists to use them (Item 5-8).

A summary of Council comments is as follows: a request for the amount of revenue other cities have received from cannabis businesses; support for a Council discussion of the cannabis ordinance; the Council prohibited cannabis sales in Albany because the State's regulations were unclear; rather than prohibiting commercial cannabis sales, the Council did not create a regulatory framework; review of travel corridors is complex because of the many aspects that have to be considered.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Pilch, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Nason opened the Good of the City.

The following persons spoke: Allan Maris, Brian Beall, Peter Goodman.

A summary of the comments is as follows: a significant portion of the units in the new affordable housing project should be designated for very-low-income residents; an invitation to the public to visit the Albany Democratic Club's booth at the Albany Stroll and to attend its September 19 meeting; poems may be submitted to Fall into Haiku through October 1.



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7. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS

7-1. City Council Subcommittees:

Council Subcommittees	Subcommittee Members
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid
Alta Bates Hospital	Nason & McQuaid
Community Inclusivity	Nason & McQuaid
San Pablo Avenue Corridor Project	Nason & Pilch
Youth Engagement	McQuaid & Maass

A. San Pablo Avenue Corridor Project - Update

Council Member Pilch reported no progress has been made on the San Pablo Avenue Corridor Project. The subcommittee met with Community Development Director Bond to discuss the nexus between the San Pablo Avenue Corridor Project and the City's efforts to improve the San Pablo Avenue Corridor.

7-2. City Council Appointed Representation of Albany

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Nason	McQuaid
Alameda County Transportation Commission	Nason	Pilch
Alameda County Waste Management Authority	Nason	Maass
Association of Bay Area Government	Pilch	Barnes
East Bay Community Energy JPA Board	Pilch	McQuaid
East Bay Sports Field Recreational Authority JPA	Maass	Barnes
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Barnes
Alameda County Library Advisory Commission	Amy Apel	
Berkeley/Albany Mental Health Board	Erlinda Castro & (Vacant)	
City/AUSD/UC - 2X2X2	Nason	McQuaid
Police & Fire Pension Fund Board	Nason	McQuaid

A. Mayor Nason Update – Alameda County Mayors' Conference – Regional Homelessness Meeting

Mayor Nason reported Alameda County Mayors' Conference discussed the possibility of repurposing the Glenn Dyer facility in Oakland as a homeless facility and formed a subcommittee to look into an offer from Alameda County. She attended meetings of the Alameda County Transportation Commission (ACTC) and Stop Waste in July. The household hazardous waste fee will decrease and will be set less frequently.

Council Member Pilch reported he attended an East Bay Community Energy (EBCE) meeting where discussion focused on the amount of energy in each of EBCE's products, the PG&E bankruptcy, and selection of a new Chair and Vice Chair.



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7-3. City Council Meetings and Events

Council Member Pilch reported he attended the August meeting of the Electric Vehicle Coordinating Council.

Vice Mayor McQuaid reported she held a community leaders' meeting in July regarding the Housing Authority of Alameda County. She also attended the Solano Avenue Association art walk, several United Against Hate meetings, an East Bay Division of the League of California Cities meeting, a meeting of the Pension Board, a Community Emergency Response Team (CERT) meeting, the second anniversary celebration of Belmont Village, National Night Out, and the kickoff party for the Albany Stroll. With Mayor Nason, Vice Mayor McQuaid participated in conference call of the Climate Mayors, met with the Alameda County Auditor and Assessor, toured the Glenn Dyer jail, and a presentation on women in politics as part of the Film Fest. In addition, Vice Mayor McQuaid attended the Everyone Home Leadership Board meeting, Coffee with a Cop, the Satellite Affordable Housing Associates (SAHA) presentation, and dedication of the Cheryl Gates craft room.

Council Member Maass reported he attended the Cheryl Gates craft room dedication and the SAHA presentation.

Mayor Nason reported she attended a Community Leaders meeting, the Belmont Village celebration, the Albany Stroll kickoff party, National Night Out, the Climate Mayors conference call, the SAHA presentation, the craft room dedication, the Ohlone Greenway cleanup day, a ribbon cutting for Bank of America, a Friends of Albany Seniors Board of Directors meeting, and a beach cleanup. With Vice Mayor McQuaid, Mayor Nason also attended a Night of Healing sponsored by Barbara Lee and the Friends of Albany Seniors luau.

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the California Chapter of the American Planning Association has selected Solano Avenue as one of two 2019 Great Places in California. National Night Out was a huge success with 41 blocks registering. Preparation of the City's Comprehensive Annual Financial Report (CAFR) is underway, and auditors will be onsite in September. Wayfinding signage has been installed around town. A new Management Analyst will begin work in Public Works in September. More than 200 people attended the annual fire drill and learned about disaster preparedness. A shelter simulation training is scheduled for October 5. Smart Start, a driver safety education for teens and parents/guardians, has been planned for October 17.

9. PRESENTATION

10. PUBLIC HEARING



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10-1. Proposed Ordinance Permitting Parking in the Parkway on the North Side of Washington Avenue

Traffic & Safety Commission recommendation: that the Council amend the Municipal Code to permit parking in the parkway on the north side of Washington Avenue as designated by signage and striping

Staff recommendation: that the Council introduce Ordinance No. 2019-07, for first reading, amending the Municipal Code to permit parking in the parkway on the north side of Washington Avenue, from Pierce Street to Gateview Avenue and from Polk Street to Cerrito Street, as designated by signage and striping, and to prohibit parking on the street outside of the designated areas

Transportation Planner Justin Fried presented the staff report. The Council directed staff to develop plans for the Washington Avenue traffic calming project in February 2018 and approved a contract change to implement the project in June 2019. The project should be constructed within the next month. The project is intended to balance the needs of pedestrian access, emergency vehicle access, and parking by closing pedestrian access to the sidewalk on the northern side of Washington Avenue and allowing vehicles to mount the curb and park on the sidewalk on the northern side of Washington Avenue between Pierce Street and Cerrito Street. The proposed ordinance amends the Municipal Code to permit parking on the sidewalk and to support enforcement.

A summary of Council comments is as follows: removing the northern sidewalk in the future could eliminate driver's confusion as to whether they should park on the street or the sidewalk; a request to review striping and signage for the project.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to introduce Ordinance No. 2019-07, for first reading, amending the Municipal Code to permit parking in the parkway on the north side of Washington Avenue, from Pierce Street to Gateview Avenue and from Polk Street to Cerrito Street, as designated by signage and striping and to prohibit parking on the street outside of the designated areas.

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

NOES: None

Motion carried and so ordered.

11. UNFINISHED BUSINESS

11-1. SB 2 Grant Application Policy Direction

Staff recommendation: that the Council provide policy direction to staff on the geographic scope and type of planning document to be prepared

Planning Manager Hersch presented the staff report. Senate Bill (SB) 2, adopted in 2017, is intended to address the housing shortage and high cost of housing. The overall goal of the program is to make funding available to local governments for the preparation, adoption, and



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implementation of plans that streamline housing approval and accelerate housing production. The City is eligible for a non-competitive \$160,000 grant. In May 2019, the Council adopted a resolution that authorized staff to prepare an application for the grant. At that time, staff proposed identifying the Housing Element opportunity sites and including language to allow the creation of a specific plan in the application. Staff prepared a draft application and submitted it to PlaceWorks, the State's contractor, for preliminary review. PlaceWorks has recommended refinement of the draft application prior to formal submittal. The application needs to demonstrate how the planning process would result in an increase or an acceleration of housing production and to include a quantitative measure. In addition, the CEQA scope of work needs amendments. Staff seeks Council direction regarding inclusion of the entire San Pablo Avenue Corridor in the application in order to increase the potential housing unit capacity and to create universal development standards for the corridor. Expanding the geographic area to include the San Pablo Avenue Corridor would not increase project costs. The scope of the project currently includes Zoning Ordinance amendments, General Plan amendments, and Objective Design Guidelines, which could be presented to the Council in December 2020. A specific plan would consolidate all work into one document, add four months to the project timeline, and require preparation of a utility infrastructure plan at a cost of approximately \$60,000. The ACTC Corridor Plan focuses on transportation. The Priority Development Area addresses regional planning of infill locations for housing and job growth. The SB 2 grant is a local land use effort that seeks to modify local development standards. Staff requests the Council provide direction regarding the geographic scope of the application and the type of planning document to be prepared.

The following persons spoke: Aaron Priven, Ian MacLeod, Ken McCroskey.

A summary of comments is as follows: support for preparing a specific plan and a broad geographic scope; a specific plan is an opportunity to create a livable, high-density corridor with increased housing, retail, and amenities.

A summary of Council comments is as follows: a specific plan could streamline housing approval and accelerate housing production; a concern that the ACTC Corridor Plan could affect housing or access to housing in the San Pablo Avenue Corridor; support for preparing a specific plan; community-wide outreach will be needed to garner support for changes in development standards within a specific plan; support for increasing the height limit and unit density within the specific plan; opposition to creating a specific plan.

The Council directed staff to expand the geographic area to the San Pablo Avenue Corridor and to prepare a specific plan.

11-2. Association of Bay Area Governments (ABAG)/Metropolitan Transportation Commission (MTC) Priority Development Area (PDA) Update

Staff recommendation: that the Council provide input to staff regarding a letter of interest in pursuing an amendment to the City's existing Priority Development Area

Community Development Director Jeff Bond presented the staff report. In 2007, ABAG established the PDA and Priority Conservation Area (PCA) program so that cities could self-identify areas to plan for more housing and the areas would have improved eligibility for regional grant programs. In 2011, the City Council approved submittal of an application for a PDA



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incorporating the San Pablo Avenue and Solano Avenue Corridors. Albany Hill has been established as a PCA. In early 2019, ABAG/MTC revised program criteria and defined PDAs as infill locations planned for housing and job growth. Albany's PDA requires some amendments to comply with the new criteria. ABAG has provided a template for a letter from the City indicating the City's intent to amend the PDA to comply with the new criteria. Staff proposes returning to the Council by January 2020 with a resolution affirming the letter of intent. Staff anticipates preparing a PDA letter of intent in 2019, applying for an SB 2 grant and preparing a specific plan in 2020 and 2021, planning for the Regional Housing Needs Assessment (RHNA) in 2020 and 2021, preparing a new Housing Element in 2021 and 2022, and amending the PDA based on these other planning processes in 2023 and 2024.

The following person spoke: Aaron Priven.

A summary of comments is as follows: support for submitting a letter of intent and possibly adding other areas to the PDA.

A summary of Council comments is as follows: staff should utilize their best judgment as to the content of a letter of intent; support for increasing housing and retail along Solano Avenue with some coordination and collaboration with the City of Berkeley and for expanding the PDA to additional areas; a request for the final letter of intent to be provided to the Council as an informational item; support for a Council resolution supporting the letter of intent if staff feels it would be beneficial.

12. NEW BUSINESS

12-1. Designation of Memorial Park Section B as a Dog Park

Parks, Recreation and Open Space Commission & staff recommendation: that the Council:

1. Adopt Resolution No. 2019-70 Designating Memorial Park Section B as an official Dog Park in Albany; and
2. Approve the Parks, Recreation and Open Space Commission's recommendation to:
 - a. maintain the current hours of operation established in Resolution No. 2012-69 (11 a.m.-8 p.m.); and
 - b. develop a detailed plan for minor improvements to the area including installation of benches, improved signage, perimeter plants/trees, relocation of the park entry, and addition of a double gate; and
 - c. explore possibilities for an additional location for a dog park in Albany

Council Member Pilch recused himself from the item, because of the proximity of his residence to Memorial Park and the proposed dog park, and left the meeting as there are no other discussion items after this one.

Recreation and Community Services Director Chelle Putzer presented the staff report. Section B was established in 2001 and is located in the northeast corner of Memorial Park. Section B was



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intended to be a multiuse area but became a popular location for dog exercise. Since its formation, Section B has been used primarily by dog owners and their dogs. In 2012, staff determined that a dog park was exempt from CEQA review. Over the past seven years, staff, the Parks, Recreation and Open Space Commission (Commission), and the Council have received public comments regarding the many aspects of the issue and attempted to address neighbors' concerns. With Council approval of a Work Plan amendment, the Commission formed a Dog Park Subcommittee to consider the issues and concerns about a dog park. The subcommittee has reported to the Commission six times, held community workshops, and performed a great deal of community outreach. Any time Section B appeared as a Commission agenda item, notice was sent to approximately 400 people who registered for a special dog category in the City's email notification process and to people who provided an email address during community engagement. In addition, Recreation and Community Services Director Putzer sent emails to the neighbors of Section B. Extensive notification was provided for the Council meeting.

Julia Chang Frank, Dog Park Subcommittee Member, advised that the subcommittee conducted a general Citywide online survey; held a community workshop; interviewed Parks and Recreation staff and Police Chief Geissberger; and received a petition supporting a dog park, emails from Section B neighbors, a petition to form a dog park, and comments from Nextdoor. Subcommittee members conducted in-person surveys of Section B neighbors or left doorhangers informing them of the online survey if neighbors were not home. The response rate from Section B neighbors was 60 percent or 26 of 43 households. Sixty-two percent of respondents viewed the use of Section B as a dog area positively; 19 percent had no comment; and 19 percent view it negatively. Forty-four percent reported using Section B or other dog park with or without a pet; 56 percent did not use a dog park. Eight percent of respondents did not believe Section B users respect the rules. Chief Geissberger noted complaints about violation of Section B rules have decreased since the timed gate was installed. Survey respondents suggested aesthetic improvements, amenities for dogs and dog owners, and signage and enforcement of the rules could improve the situation. Subcommittee members visited Section B on different days and at different times of day to distribute surveys to Section B users and received 107 completed surveys. A huge percentage of users utilize Section B frequently. A great majority of users travel a mile or less to visit Section B. Location was the reason cited most often for use of Section B.

Tod Abbott, Dog Park Subcommittee Member, indicated the subcommittee posted an online survey for the community regarding the need for additional dog facilities in Albany, features that might be most important, and a good location for additional dog facilities. The survey received 260 responses over a three-week period. Two hundred thirty-five respondents own or walk a dog. Fifty-three percent of respondents believe there is a need for additional dog facilities. Respondents preferred a convenient location, grass or a natural area, and a large area. Responses were mixed regarding fencing. The most popular locations currently used for off-leash dog activities are Memorial Park Section B, the lawn at Jewel's Terrace Park, the Greenway at Dartmouth, and the Albany Bulb and Neck. Responses were mostly even regarding locating a new facility at Ocean View Park, near the tracks, at the Key Route median, and at the Ohlone Greenway. The location of benches and the entryway and the installation of a double-gate entry could reduce noise. If the Council wishes, the subcommittee will continue to explore a second location for a dog park.



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Bryan Marten, Dog Park Subcommittee Member, reported the May 30 workshop was well attended. Key takeaways from the workshop are no strong preference regarding the location of a second dog park; walking dogs is exercise for many dog owners; fenced areas are preferred; a preference for a year-round facility; and desired amenities are fencing, water, signage for rules, double gates, and shade.

The following persons spoke: David Gallegos, Brian Young, Stephen Vernon.

A summary of comments is as follows: opposition to the dog park and support for removing the fence that enclosed the area; opposition to a dog park because of the noise and conflicts among dogs and their owners; concerns about the dog park negatively affecting the value of homes directly across the street from the dog park and about police officers not citing dog owners who violate the dog park rules.

A summary of Council comments is as follows: appreciation for the subcommittee's extensive outreach; Section B neighbors' concerns about barking are real, but residents across the City suffer from barking dogs; support for the recommendations; a suggestion to remove the existing fence and install amenities to create a community space rather than a dog park; a suggestion for signage about noise and waste in the neighborhood; a suggestion to reduce the height of the fence.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to extend the meeting to 10:45 p.m.

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

NOES: None

RECUSED: Council Member Pilch

Motion carried and so ordered.

MOTION:

Moved by Council Member Maass, seconded by Mayor Nason, to adopt Resolution No. 2019-70 Designating Memorial Park Section B as an official Dog Park in Albany; and approve the Parks, Recreation and Open Space Commission's recommendation to (a) maintain the current hours of operation established in Resolution No. 2012-69 (11 a.m.-8 p.m.), (b) develop a detailed plan for minor improvements to the area including installation of benches, improved signage, perimeter plants/trees, relocation of the park entry, and addition of a double gate; (c) explore possibilities for an additional location for a dog park in Albany; and (d) explore fencing alternatives.

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

NOES: None

RECUSED: Council Member Pilch

Motion carried and so ordered.

13. FUTURE AGENDA ITEMS

Mayor Nason announced cannabis policy will be a future agenda item.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS



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14-1. Upcoming City Events

- A. Albany CERT Training (enrollment is FULL), every Tuesday, August 27 – October 15, 6:00 PM, Albany Emergency Operations Center, 1000 San Pablo Avenue
- B. Music in the Park, every Wednesday in September, 6:30 PM – 8:00 PM, Memorial Park

14-2. Upcoming City Meetings

- A. Social & Economic Justice Commission, Wednesday, September 4, 7:30 PM, City Hall Council Chambers
- B. Arts Committee, Monday, September 9, 7 PM, City Hall Council Chambers
- C. Planning & Zoning Commission, Wednesday, September 11, 7 PM, City Hall Council Chambers
- D. Parks, Recreation & Open Space Commission, Thursday, September 12, 7 PM, City Hall Council Chambers
- E. City Council, Monday, September 16, 7:30 PM, City Hall Council Chambers

15. ADJOURNMENT

10:33 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