



7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pilch led the Pledge of Allegiance.

2. ROLL CALL

Present: Council Members Barnes, Maass, and Nason, Vice Mayor McQuaid, Mayor Pilch
Absent: None

3. CEREMONIAL MATTERS

3-1. Certificate of Appreciation to Council Member Nason for her service as Mayor

Mayor Pilch presented the Certificate of Appreciation to Council Member Nason.

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

5. CONSENT CALENDAR

5-1. Minutes, December 16, 2019

Staff recommendation: Approve

5-2. Ratification of Payroll

A. Payroll Period: 12/20/2019; Net Payroll: \$363,291.17; Taxes, Benefits, Withholdings: \$333,146.53; Total: \$696,427.70

B. Payroll Period: 01/03/2020; Net Payroll: \$311,729.44; Taxes, Benefits, Withholdings: \$312,437.03; Total: \$624,166.47

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: \$160,549.85 (12/13/2019), \$427,008.07 (12/20/2019), \$143,286.71 (1/3/2020), \$816,290.44 (1/10/2020)

Staff recommendation: Ratify

5-4. Advisory Body Resignation & Appointments

Ge'Nell Gary (Council Member Barnes Appointee) resigned from the Albany Library Board

Ge'Nell Gary was appointed by Council Member Barnes to the Social & Economic Justice Commission vacancy



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

Staff recommendation: Informational only

5-5. Donation from the Albany Community Foundation

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-02, accepting the donation in the amount of \$880 from the Albany Community Foundation for the 2019 Fall into Haiku program
2. Authorize the City Manager to execute the Donation Acceptance Agreement

5-6. Professional Services Contract with Oberkamper & Associates Civil Engineers for On-Call Land Surveying and Civil Engineering Services

Staff recommendation: that the Council adopt Resolution No. 2020-03 authorizing the City Manager to execute a professional services contract with Oberkamper & Associates Civil Engineers for on-call land surveying and civil engineering services for an amount up to \$100,000 through June 30, 2022

5-7. A Resolution of Support for Satellite Affordable Housing Associates Grant Application for the Infill Infrastructure Grant Program of 2019

Staff recommendation: that the Council:

1. Adopt Resolution 2020-06, approving to file a joint grant application with Satellite Affordable Housing Associates for the Infill Infrastructure Grant Program of 2019 for the Albany Family Housing project
2. Authorize the City Manager to execute the joint application on the City's behalf

5-8. SB 2 Grant Application Award

Staff recommendation: that the Council adopt Resolution No. 2020-04, accepting the grant and authorizing the City Manager to execute the grant agreement.

5-9. Professional Services Contract with Lexington Planning for SB 2 Grant-San Pablo Avenue Specific Plan

Staff recommendation: that the Council adopt Resolution No. 2020-05 authorizing the City Manager to execute Contract #C20-37 with Lexington Planning for the preparation of the San Pablo Avenue Specific Plan

5-10. Resolution Authorizing Amendments to the Salary Schedule for Various Hourly Employee Classifications to Comply with State of California Minimum Wage Increase

Staff recommendation: that Council approve Resolution No. 2020-10 adopting the new salary ranges

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid removed Item 5-5; Allan Maris removed Item 5-7; and Mayor Pilch removed Item 5-9.



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

Item 5-5: Vice Mayor McQuaid recused herself from voting on the item as she is a member of the Albany Community Foundation.

Item 5-9: Mayor Pilch reported the contract covers preparation of the specific plan but not research for the specific plan. He suggested comparisons with other jurisdictions include El Cerrito, Berkeley, and other denser cities with denser development.

The following persons spoke: Allan Maris.

A summary of comments is as follows: support for the City applying for the grant and obtaining additional funding when possible (Item 5-7).

MOTION:

Moved by Council Member Nason, seconded by Council Member Maass, to approve Items 5-1 through 5-4 and 5-6 through 5-10.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to approve Item 5-5.

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

NOES: None

RECUSED: Vice Mayor McQuaid

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Pilch opened the Good of the City.

The following persons spoke: Leah Burrell, Allan Maris.

A summary of comments is as follows: support for assisting homeless people in any way possible; support for Measure B.

Mayor Pilch read the following statement:

The Ninth Circuit has now ruled regarding the cross on Albany Hill and the Council's discussion continues on this matter. While we are disappointed in the ruling, we remain committed to seeking our options regarding the removal of the cross from public land. I want to reiterate to everyone here and to the public that neither the City Council nor the City of Albany endorses in any way the lighting of the cross for any occasion, religious or nationalistic, or supports its continued presence on public property. We have given direction to staff to place signage near the cross stating the same. We appreciate the input and support received to date from the public, and we encourage you to continue to respectfully share your concerns over this religious symbol on public land with the Lions Club as well as this City Council.



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
 1000 San Pablo Avenue, Albany, CA
 Tuesday, January 21, 2020

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	Last Report Date
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid	12/0/2019
Alta Bates Hospital	Nason & McQuaid	11/18/2019
Cannabis Ordinance	Maass & Pilch	
Community Inclusivity	Nason & McQuaid	10/21/2019
San Pablo Avenue Corridor Project	Nason & Pilch	10/07/2019
Youth Engagement	McQuaid & Maass	11/04/2019

Vice Mayor McQuaid reported the Youth Engagement subcommittee continues to work with the Y to provide a local government module for the Youth in Government program scheduled for early March.

7-2. City Council Appointed Representation of Albany

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Pilch	McQuaid
Alameda County Transportation Commission	Pilch	Nason
Alameda County Waste Management Authority	Pilch	Maass
Association of Bay Area Government	Maass	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	Pilch	McQuaid
Police & Fire Pension Fund Board	Pilch	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	Margaret Patterson	N/A

Vice Mayor McQuaid reported she attended the Housing Authority of Alameda County meeting, the 2x2x2 meeting with Mayor Pilch, and the Mayors' Conference with the Assistant City Manager. As a member of the Housing Authority's committee to interview candidates for Executive Director, she indicated she will be working on the selection process over the next few months.

At Council Member Nason's request, Mayor Pilch reported the topics for the 2x2x2 meeting were Measure B and an update regarding school construction. Vice Mayor McQuaid indicated topics discussed briefly included disaster preparedness and the basketball courts removed from Memorial Park. City Manager Nicole Almaguer advised that the Census was also a topic of discussion. Mayor Pilch emphasized the importance of an accurate Census. The Safe Routes to Schools task force did not report during the 2x2x2 meeting.



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

Mayor Pilch reported he attended the East Bay Community Energy (EBCE) Board meeting where he learned PG&E is offering power generated by PG&E's nuclear facility to EBCE at no cost; the December Alameda County Waste Management Authority meeting; the January meeting of the Waste Management Authority's Programs and Administration Committee where the members discussed a ban on single-use food ware; and a meeting of the Alameda County Transportation Commission's (ACTC) Projects and Program Committee.

7-3. City Council Meetings and Events

Mayor Pilch reported he attended a tour of Howard Terminal with Environmental Group; the Elected Officials to Protect California's press conference with Vice Mayor McQuaid; the Women's Day March; a film screening of *Jim Crow of the North*; the Community Leaders meeting; and Piedmont's celebration of Martin Luther King Jr. Day.

Vice Mayor McQuaid reported she participated in a Climate Mayors conference call; attended the exhibition opening at the Community Center; hosted the Community Leaders meeting; presented a certificate of recognition to a community member who will be 100 years of age; and attended the press conference hosted by Elected Officials to Protect California.

Council Member Nason reported she attended a number of meetings related to the East Bay Regional Park District and the Park Advisory Commission. She has contacted Elizabeth Echols, Ward 1 representative on the Board, about meeting with the Albany Waterfront Park subcommittee and the Council.

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the Codornices Creek day of service event was successful. The Public Works Department accomplished many projects in 2019. Community improvements would continue in 2020. Sustainability workshops will be held in January and February. Fourteen residents have registered with the Security Camera Registration program in less than a month. Registration for the spring Community Emergency Response Team (CERT) class is open. A program on bees, *Bee Curious?*, is planned for January 24. A water bottle filling station has been installed in City Hall.

9. PRESENTATION

9-1. Presentation on Potential Implications of Senate Bill 50 (Senator Scott Weiner). SB 50, if approved, will amend State law substantially impacting local planning and zoning regulations in residential zoning districts.

Staff recommendation: that the Council authorize the Mayor to prepare a letter to State Legislative Representatives regarding the legislation

Community Development Director Jeff Bond presented the staff report. Senate Bill (SB) 50 is complicated and a work in progress. SB 50 could create higher-density housing near transit and job centers and reduce time and costs associated with local governments' approval processes. The Neighborhood Multifamily Project would allow four-unit residential structures on vacant lots



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers

1000 San Pablo Avenue, Albany, CA

Tuesday, January 21, 2020

and in existing structures; limit the City's ability to impose parking requirements; limit project review to objective design standards; and require a ministerial approval process. He did not believe Albany residents would utilize the Neighborhood Multifamily Project because few vacant lots are available and most existing residential structures are too small to accommodate four units cost effectively.

Beginning in 2023, the Equitable Communities Incentive would require cities to approve qualified residential projects in job-rich or transit-rich areas. In job-rich or transit-rich areas, developers could apply for exceptions to the primary land use controls, including density, parking, height, and floor area ratio restrictions. The program would require ministerial staff approval of applications that comply with the terms of the legislation and the City's objective standards. The program would require developers to comply with affordable housing requirements contained in the legislation and with the City's objective standards. SB 50 contains protections for organized labor and affordable housing requirements. Job-rich areas are defined as high opportunity areas or positive educational and economic outcomes for residents, areas near more jobs than typical for the region, and areas with shorter commutes relative to existing patterns. The legislation requires the California Department of Housing and Community Development (HCD) to produce maps of job-rich areas beginning January 1, 2021 and to update the maps every five years thereafter. Transit rich areas are defined as areas within a half-mile radius of a rail station or within a quarter-mile radius of a stop on a high-quality bus corridor. The Route 72 bus stop located at Solano and San Pablo would be considered a high-quality stop.

SB 50's author, Senator Weiner, has introduced an amendment that would allow cities to create a Local Flexibility Plan rather than accept the standards contained in the legislation. A Local Flexibility Plan must be complete by January 1, 2023, must increase overall feasible housing capacity, must affirmatively further fair housing, must demonstrate greater transportation efficiency, and would be subject to State review and approval. Provisions for Sensitive Communities and exceptions to SB 50 probably would not apply to Albany.

SB 50 would undermine State-mandated local land use plans and policies. The requirement for ministerial permits would eliminate public notice. Developers would be allowed to pay in-lieu fees instead of constructing affordable housing. The requirement for objective design standards would limit the City's ability to require well-designed residential projects. The legislation does not address the cost of residential development and relies heavily on the use of transit services without ensuring services are available. Creating a Local Flexibility Plan would conflict with updating the Housing Element. The Equitable Communities Incentive duplicates other recent housing laws.

The following persons spoke: Allan Maris, Aaron Priven, Leah Burrell.

A summary of the comments is as follows: SB 50 will probably not generate affordable housing; a suggestion for any letter to representatives include a statement supporting solutions to the housing shortage; the City should provide incentives for accessory dwelling units (ADU) that rent at affordable rates.

A summary of Council comments is as follows: SB 50 will likely be amended several more times; sending a letter at the current time is premature; SB 50 has some serious flaws; the City should send a letter supporting the current version of SB 50 and stating the Council shares many



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

concerns with other entities and the State should proceed with policies that reduce the restrictive burden on housing; concerns about housing the poor and extending workers' commute times; support for retaining local control; SB 50 will not address dramatic job growth, which is the root problem of the housing shortage; legislators will not have time to amend the bill; support for a letter opposing SB 50; SB 50 would not significantly impact Albany; a suggestion for Council Members Maass and Nason to draft a letter for the Council.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to appoint Council Members Nason and Maass to a subcommittee that will draft a letter generally supporting SB 50 and other legislation that attempts to address the housing issue.

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

NOES: Council Member Barnes

Motion carried and so ordered.

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

11-1. Intent to Amend Planning Criteria Associated with San Pablo/Solano Mixed-Use Neighborhood Priority Development Area

Staff recommendation: that the Council adopt Resolution 2020-09 affirming intent to amend planning criteria associated with San Pablo/Solano Mixed Use Neighborhood Priority Development Area

Community Development Director Bond presented the staff report. In June 2019, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) revised Planned Development Area (PDA) program criteria. Albany's current PDA meets transit criteria but not planning criteria. ABAG has requested cities amend their PDAs to comply with the new criteria. General Plan and Zoning Ordinance amendments and California Environmental Quality Act (CEQA) review should allow housing and employment growth at transit-supportive densities. In September 2019, the Council authorized staff to submit a letter of intent to ABAG. Staff requests Council document its support for a future amendment of the PDA.

The following person spoke: Aaron Priven.

A summary of the comments is as follows: support for amending the PDA.

A summary of Council comments is as follows: support for pursuing a coordinated approach to the PDA with the City of Berkeley; support for documenting the Council's intent to amend planning documents.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to adopt Resolution 2020-09 affirming the Council's intent to amend planning criteria associated with San Pablo/Solano Mixed-Use Neighborhood Priority Development Area.

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



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

NOES: None

Motion carried and so ordered.

11-2. Approval of Symbolic Lighting Display Policy Illuminating the Tower at Albany Community Center

Staff recommendation: that the Council adopt:

1. Resolution No. 2020-07 approved the proposed Symbolic Lighting Display Policy
2. Resolution No. 2020-08 approving the Lighting Schedule for 2020

City Clerk Anne Hsu presented the staff report. In November 2019, the Council authorized the expenditure of up to \$6,500 from the City Council discretionary fund to develop a lighting program for the Albany Community Center tower for local, national, and significant events.

A summary of Council comments is as follows: opposition to lighting the tower; a suggestion to include Women's Equality Day and Emancipation Day in the 2020 schedule; a proposal to place explanatory signage at the Community Center.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to 1) adopt Resolution No. 2020-07 approving the proposed Symbolic Lighting Display Policy; 2) adopt Resolution No. 2020-08 approving the Lighting Schedule for 2020 with the addition of Emancipation Day (June 19) and Women's Equality Day (August 26); and 3) to direct staff to place explanatory signage at the Community Center for the days of lighting.

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

NOES: Council Member Nason

Motion carried and so ordered.

12. NEW BUSINESS

13. FUTURE AGENDA ITEMS

13-1. Agenda Item for Repeal and Replacement of Chapter 20.32 "Signs" of the Albany Municipal Code is being continued to a date uncertain. Public Hearing Notices will be resent and republished.

Council Member Nason requested agenda items for the Codornices Creek fence, the financial implications of Golden Gate Fields ceasing horse races and/or being acquired by a public entity, the State Auditor's report regarding pension funding, Measure M funds, and subcommittee composition.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events

- A. Bee Curious? Friday, January 24, 7:30 PM – 8:30 PM, Community Center



ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Tuesday, January 21, 2020

- B. Go Carbon-Free Workshop, Electrification & 2020 Carbon-Free Albany Challenge, Sunday, January 26, 11:00 AM – 1:00 PM, Community Center
- C. Clothing Swap, Tuesday, January 28, 7:30 PM – 8:30 PM, Community Center
- D. Sandbag Filling Assistance Days, Saturday, February 1, 9:00 AM – 1:00 PM, Ocean View Park

14-2. Upcoming City Meetings

- A. Planning & Zoning Commission Meeting, Wednesday, January 22, 7:00 PM – 10:30 PM, City Hall Council Chambers
- B. Traffic & Safety Commission Meeting, Thursday, January 23, 7:00 PM – 9:30 PM, City Hall Council Chambers

15. ADJOURNMENT

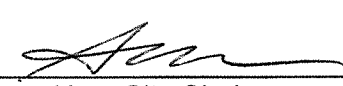
9:34 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.



Nick Pilch
Mayor

Attest:



Anne Hsu, City Clerk