



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

5-1

**6:15 p.m.**

### FORUM SESSION

#### 1. Youth Engagement Forum

The Council Youth Engagement Subcommittee is hosting a forum for Youth in Government participants and the City Council.

### ADJOURNMENT OF FORUM SESSION

**7:30 p.m.**

### REGULAR MEETING

#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Council Member Maass led the Pledge of Allegiance.

#### 2. ROLL CALL

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

Mayor Pilch made a statement regarding the coronavirus illness and resources for information.

#### 3. CEREMONIAL MATTERS

##### 3-1. Proclamation – California YMCA Youth in Government Albany Delegation Program

Vice Mayor McQuaid presented the Proclamation to representatives of the Youth in Government Albany Delegation Program.

##### 3-2. Proclamation – Red Cross Month 2020

Council Member Maass presented the Proclamation to representatives of the American Red Cross.

##### 3-3. Proclamation – March for Meals Month 2020

Council Member Nason presented the Proclamation to a representative from Meals on Wheels of Alameda County.

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



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

### 5. CONSENT CALENDAR

#### 5-1. Minutes, February 18, 2020

Staff recommendation: Approve

#### 5-2. Ratification of Payroll – Payroll Period: 2/14/2020; Net Payroll: \$325,636.39; Taxes, Benefits, Withholdings: \$328,954.50; Total: \$654,590.89

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: \$337,954.49 (2/14/2020), \$287,416.93 (2/21/2020)

Staff recommendation: Ratify

#### 5-4. Advisory Body – Financial Advisory Committee – Vice Mayor McQuaid appointed Mark Priven

Staff recommendation: Ratify

#### 5-5. Police Fleet Vehicle Purchase

Staff recommendation: that the Council adopt Resolution No. 2020-22: (1) Approving the purchase and outfitting of two 2020 Ford Police Utility patrol vehicles utilizing Capital Improvement Plan (CIP) funds and Citizens Option for Public Safety (COPS) funds, at the State of California contract price of \$43,245.64 for the hybrid Ford Utility patrol vehicle and \$39,826.93 for the non-hybrid Ford Police Utility patrol vehicle along with outfitting costs of approximately \$27,086.21 for both vehicles; and (2) Approving the purchase of one Go-4 parking enforcement vehicle utilizing Capital Improvement Plan (CIP) funds, at a contract price of \$36,299.25

#### 5-6. Ordinance No. 2020-01 Second Reading to Repeal and Replace Chapter 20.32 "Signs" of the Albany Municipal Code

Staff recommendation: that the Council adopt Ordinance No. 2020-01 repealing and replacing Chapter 20.32 "Signs" of the Albany Municipal Code – Second Reading – Pass to print

#### 5-7. CIP Project No. 21000 – 2018 Pavement Maintenance and ATP Striping and Signage Project Completion

Staff recommendation: that the Council adopt Resolution No. 2020-23: (1) Accepting the improvements completed in the 2018 Pavement Maintenance and ATP Striping and Signage Project, Contract No. C19-1, and (2) Authorizing Staff to file the Notice of Completion with the County Recorder's Office



# ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Mayor Pilch removed Items 5-5 and 5-6.

Item 5-5: Mayor Pilch explained the reasons for the City purchasing only one hybrid vehicle.

Item 5-6: City Attorney Malathy Subramanian reported the Council previously discussed the number of non-commercial signs and decided not to impose a limit so that residents could support multiple issues of their choice.

**MOTION:**

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

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

NOES: None

Motion carried and so ordered.

**6. GOOD OF THE CITY/PUBLIC COMMENT**

Mayor Pilch opened the Good of the City.

No one provided comments.

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

7-1. City Council Subcommittees:

<b>Council Subcommittees</b>	<b>Subcommittee Members</b>	<b>Last Report Date</b>
Albany Waterfront Park (Albany Bulb)	McQuaid & Nason	12/02/2019
Alta Bates Hospital	Pilch & McQuaid	11/18/2019
Cannabis Ordinance	Pilch & Maass	
Community Inclusivity	Pilch & McQuaid	10/21/2019
San Pablo Avenue Corridor Project	Pilch & Nason	10/07/2019
Youth Engagement	McQuaid & Maass	02/18/2020

A. Update on Cannabis

Mayor Pilch, representing the Cannabis Policy Subcommittee, reported the City of El Cerrito does not impose a local tax on cannabis operations but requests an applicant provide a City amenity.

Council Member Maass, representing the Cannabis Policy Subcommittee, reported the City of El Cerrito has permitted one operation. However, the applicant does not have sufficient capital to complete construction of the facility. The City of San Leandro has permitted one operation and received \$135,000 in tax revenues during the first, second, and third calendar quarters of 2019. The City of Emeryville has permitted two operations and received a total of \$251,712 in tax revenues from one dispensary in 2018 and 2019. Including the first months



# ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

of 2020, Emeryville's total has increased to \$325,000. Staff in those cities indicated they have not been overwhelmed by the number of applications or the process and have not had any major problems. The police departments conduct background checks on the businesses' employees annually. He recommended the Council direct the Planning & Zoning Commission to prepare an ordinance allowing cannabis operations in Albany as a way to increase revenues.

A summary of comments from the public is as follows: communities that have been hurt by the war on drugs should receive some compensation from the operation of cannabis businesses; the public is invited to a talk by the El Cerrito Chief of Police on Wednesday; the Council should formulate a plan for the expenditure of tax revenues from cannabis operations if allowed.

A summary of Council comments is as follows: interest in more discussion and information before directing the Planning & Zoning Commission to proceed; parents should be made aware of the health effects of cannabis use; permitting operations may be more bother than benefit; Police Chief Geissberger should be consulted; cannabis operations should be permitted if it's best for the community, not because it generates revenue; perhaps taxes on medical cannabis should be eliminated; onsite smoking and vaping would be a concern; permitting cannabis does not comply with the City Council Strategic Plan; if cannabis operations are permitted, they should be allowed to locate in all areas of the City; legalizing cannabis does not seem to have negatively impacted California; the City receives revenue from alcohol sales and gambling; the City needs revenues to fund future pension payments; distinguishing between medical and recreational use may be cumbersome.

## 7-2. City Council Appointed Representation of Albany

<b>Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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 Recreation 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	Sarah Levin
Berkeley/Albany Mental Health Board	Erlinda Castro &	(Vacant)
ACTC Paratransit Advisory & Planning (PAPCO)	Margaret Patterson	
City/AUSD/UC - 2X2X2	Pilch	McQuaid
Police & Fire Pension Fund Board	Pilch	McQuaid

### A. Vice Mayor McQuaid Report – Housing Authority of Alameda County

Vice Mayor McQuaid referred the Council and the public to her written report.



## **ALBANY CITY COUNCIL – MINUTES**

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

Mayor Pilch reported he attended the Alta Bates Task Force meeting with Vice Mayor McQuaid, the East Bay Community Energy (EBCE) Board and subcommittee meetings, Alameda County Waste Management Authority meeting, the Alameda County Transportation Commission (ACTC) meeting, and the Senior Center pancake breakfast with Vice Mayor McQuaid and Council Member Nason. The Alta Bates Task Force is requesting funding from area cities for outreach. The Power Charge Indifference Adjustment (PCIA) will probably increase again and may cause ECBE to adjust its rates. ACTC is considering a dedicated bus lane on the Bay Bridge. In addition, Mayor Pilch reported he met with Council Member Robinson of Berkeley.

### **7-3. City Council Meetings and Events**

Mayor Pilch reported he attended the Tibetan community's New Year's celebration and met with Berkeley Mayor Jesse Arreguin.

Council Member Nason reported she attended a meeting of the East Bay Regional Park District's park advisory committee, which is planning a grand opening of the Bay Trail in Albany in April. She also met with Berkeley Council Member Rashi Kesarwani to discuss the list of Caltrans properties available for lease.

Council Member Maass reported he attended the Youth in Government meeting to promote the City's Youth in Government activities.

Vice Mayor McQuaid reported she met with almost all of her Advisory Body appointees and attended the Police Department's fraud protection discussion. Council Member Nason and she met with Mayor Skinner and other elected officials to talk about legislation.

## **8. CITY MANAGER REPORT**

City Manager Nicole Almaguer reported the developer interested in developing private property on Albany Hill has indicated he will not pursue the project. Staff will provide the Council with a discussion item regarding options for updating Measure K. The San Pablo Avenue Specific Plan will launch on March 30. The Police Department presented information about elder abuse and fraud prevention at Belmont Village. The Police Department has also been actively enforcing the City's tobacco ordinance at local vendors. The trail project on Albany Hill is almost complete. The Fire Department supported the pancake breakfast. A Red Cross blood drive is scheduled for March 3. The Bollywood dance party was well attended. Staff will update the City's e-news with coronavirus information as it becomes available. The tenth annual Albany Film Fest begins March 21. The Recycling 101 workshop is now online.

## **9. PRESENTATION**

### **9-1. Pavement Management Presentation**

Staff recommendation: for information only



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

Capital Improvement Plan (CIP) Manager Robert Gonzales presented the staff report. Staff analyzed several different scenarios to develop a strategic plan for expending funds on paving projects. Staff's goals and objectives are to improve the City's pavement thoughtfully and cost-effectively and to recognize growth across all types of roads. The StreetSaver database contains all factual information about City streets. Condition assessments of streets are performed regularly. Streets are categorized by functional class, which are arterials, collectors, residential, and other. The other classification is defined as residential streets with heavy bicycle usage. Staff created the other classification because these streets may need a different type of treatment than a regular residential street. Half of Albany streets are classified as either residential or other. Staff revised the StreetSaver database to correct classifications and to add priorities for Albany streets. Within the City, the arterial functional class contains 10 lane miles, the collector class contains 12 lane miles, the residential class contains 24 lane miles, and the other class contains 11 lane miles.

In the current five-year CIP, discretionary funding has been allocated to bicycle and pedestrian projects. To improve the City's Pavement Condition Index (PCI) score to 75, funding allocated to bicycle and pedestrian projects would have to be transferred to paving projects. Some of the bicycle and pedestrian projects would be delayed, re-scoped, or reevaluated. The Traffic & Safety Commission supports investing more money in street paving to increase the PCI score. Next steps include issuing the Washington Avenue project for design bids in April with construction expected between June and August and recommending a budget of \$1.9 million for paving in the 2021 CIP.

Jenny VanDyke, NCE, reported the factors used to develop budget scenarios included weighting for each functional class, the budget allocation, and paving treatments. Over the next ten years, the budget scenarios will improve the City's PCI. A list of candidate streets is prepared based on local priorities, utility work, sewer rehabilitation, and StreetSaver budget scenarios. In 2018, the City's PCI was 53. Scenario 1 is based on existing funding of \$1.5 million per year and will raise the PCI to 67 in ten years with 62 percent of streets in very good condition. Scenario 2 targets a PCI of 75 in ten years and requires a budget of \$1.9 million per year. At the end of ten years, 76 percent of streets will fall in the very good category. Scenario 3 targets a PCI of 85 in ten years and requires a budget of \$2.4 million per year. In ten years, 87 percent of streets will fall in the very good category. The 2019 P-TAP report indicates the City's PCI score has increased to 60. One of the goals of each scenario is to increase the PCI score of each functional class. Based on the current two-year budget of \$5.2 million, StreetSaver compiled a list of streets that could be improved. The list covers 4 miles of streets, half of which are arterials and collectors.

### 10. PUBLIC HEARING

**10-1.** Ordinance No. 2020-02 Renaming the Traffic & Safety Commission to the Transportation Commission – First Reading

Staff recommendation: that the Council introduce for first reading Ordinance No. 2020-02, renaming the Traffic & Safety Commission to the Transportation Commission



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

Community Development Director Jeff Bond presented the staff report. This section of the Code dates back to the 1950s and is not a practical guide to the functioning of the Traffic & Safety Commission (Commission). The Commission reviewed the draft ordinance in 2019 and recommended some revisions, which staff has incorporated into the proposed ordinance before the Council.

A summary of Council comments is as follows: suggestions to delete "strive to" from Section 2-20.1, to change the title of Section 2-20.2 to "duties and responsibilities," and to add to Section 2-20.2 a subpart f of "view all of the above through accessibility and equity lenses."

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Nason, to introduce for first reading Ordinance No. 2020-02, renaming the Traffic & Safety Commission to the Transportation Commission with the recommended changes to Sections 2-20.1 and 2-20.2.

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

NOES: None

Motion carried and so ordered.

## **11. UNFINISHED BUSINESS**

### **11-1. Encroachment Permit for Improvements in the Public Right-of-Way at 1085 Eastshore Highway**

Staff recommendation: that the Council adopt Resolution No. 2020-24, granting approval of an encroachment permit for 1085 Eastshore Highway to allow fencing on City-owned right-of-way in accordance with Section 14-2 "Use of Right-of-Way" of the Albany Municipal Code

Community Development Director Bond presented the staff report. Encroachments into the rights-of-way typically do not affect the function of the right-of-way and historically have not been documented well, if at all. The current practice is to present encroachment permits that involve permanent improvements to the Council for review. In late 2019, the City of Berkeley authorized Public Storage to install a fence to secure its property. A short segment of the fence is located within the jurisdiction of the City of Albany. A headwall of the culvert for Codornices Creek prevents locating the fence entirely on private property. Installation of the fence was completed in late December without permits from the City of Albany. The action before the Council is to legalize the installation of the fence. The fence is needed to maintain the security and stability of the creek environment and the surrounding property owners. Homeless encampments along the creek have created issues for the Cities of Berkeley and Albany and Public Storage. The fence prevents public access to Codornices Creek. Legalizing installation of the fence is not intended to preclude future protections, enhancement, and public access to Codornices Creek.

A summary of Council comments is as follows: the loss of access to the creek is a reasonable tradeoff for enhanced security; the safety of people in the encampment and the impacts to the creek have been a concern; the fence prevents public access to the creek for maintenance; the Council could send a letter to the property owner explaining the need for public access



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

and for trees to shade the creek; the letter could also suggest the property owner work with Friends of Five Creeks to allow maintenance at certain times.

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

### **MOTION:**

Moved by Council Member Nason to authorize Council Member Nason and Community Development Director Bond to prepare a letter to Wilanco for the Council's review at its next meeting.

Motion failed for lack of a second.

### **MOTION:**

Moved by Council Member Barnes, seconded by Council Member Maass, to adopt Resolution No. 2020-24, granting approval of an encroachment permit for 1085 Eastshore Highway to allow fencing on City-owned right-of-way in accordance with Section 14-2 "Use of Right-of-Way" of the Albany Municipal Code.

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

NOES: None

Motion carried and so ordered.

## **12. NEW BUSINESS**

## **13. FUTURE AGENDA ITEMS**

Council Member Nason requested an agenda item regarding a Measure M expenditure plan.

## **14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS**

### **14-1. Upcoming City Events**

- A. Blood Drive, Tuesday, March 3, 9:30 AM – 3:00 PM, Albany Community Center
- B. Thinking about Storytelling in Filmmaking: Meet & greet Workshop, Friday, March 6, 7:00 PM – 9:00 PM, Albany Library Edith Stone Room
- C. CPR Class, Saturday, March 14, 8:30 AM – 12:30 PM, Albany Emergency Operations Center

### **14-2. Upcoming City Meetings**

- A. Social & Economic Justice Commission Meeting, Wednesday, March 4, 7:30 PM, City Hall Council Chambers
- B. Arts Committee Meeting, Monday, March 9, 7:00 PM, City Hall Council Chambers
- C. Planning & Zoning Commission Meeting, Wednesday, March 11, 7:00 PM, City Hall Council Chambers





**ALBANY CITY COUNCIL – MINUTES**  
City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 2, 2020

---

**15. ADJOURNMENT**

10:42 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

DRAFT