CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, APRIL 17, 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

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

2. Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – Claim filed by the Albany Lions Club regarding the Albany Hill Cross

The following persons spoke: Bryan Marten, Roy Torkington.
A summary of comments is as follows: support for removing the cross from Albany Hill.

ADJOURNMENT

7:30 p.m.- REGULAR MEETING

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
   Council Member Barnes 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 items.

4. **CONSENT CALENDAR**

   4-1. Minutes, April 3, 2017
   Staff recommendation: Approve

   4-2. Ratification of Payroll - Payroll Period: 3/31/17; Net Payroll: $277,393.54; Taxes, Benefits, Withholdings: $231,731.06; Total: $509,124.60
   Staff recommendation: Ratify

   4-3. Ordinance No. 2017-03 Amending Bicycle Regulations
   Staff recommendation: that the Council adopt Ordinance No. 2017-03, amending Chapter 8 of the Albany Municipal Code related to bicycle regulations

   4-4. Call for Bids, Community Center Mechanical Units Replacement Design-Build Project (Project No. 51001) – Resolution No. 2017-20
   Staff recommendation: that the Council authorize the City Manager to approve a Call for Bids for the Community Center Mechanical Unit Replacement Design-Build Project, Contract No. C17-10

   4-5. Letter of Support: California Senate Bill 687 (Skinner) – Save our Emergency Rooms Act of 2017
   Mayor McQuaid/Council Member Nason recommendation: the City Council subcommittee on the closure of Alta Bates hospital (Nason, McQuaid), and the city staff recommend that the City Council take the following actions (1) declare the City of Albany’s support SB 687, and (2) authorize the Mayor to execute the attached letter of support to be submitted to the Senate Committee on Health

   4-6. Proclamation in Honor of Earth Day 2017
   Staff recommendation: that the Council adopt the proclamation in honor of Earth Day 2017

   4-7. Public Works Center Furniture Purchase
   Staff recommendation: that Council adopt Resolution No. 2017-21 authorizing the City Manager to enter into an agreement with One Workplace to supply and install furniture for the new Public Works Center in the not-to-exceed contract amount of $125,000

   4-8. Resolution Approving Application for Grant Funds for California Climate Investment Urban Greening Program
Staff recommendation: that the City Council approve Resolution No. 2017-22 approving the application for grant funds for California Climate Investments Urban Greening Program.

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Item 4-5 was removed from the Consent Calendar.

The following person spoke: Robert Lieber. A summary of comments is as follows: a suggestion to revise the language of the letter in Item 4-5 to include interest in acute care beds attached to emergency rooms.

A summary of Council comments: a preference to send the letter as written and send additional letters as the bill is amended.

**MOTION:**
Moved by Vice Mayor Pilch, seconded by Council Member Barnes, to approve the Consent Calendar as submitted.
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. Mayor McQuaid Report

5-2. Council Member Nason Report

Mayor McQuaid reported she participated in the Principled Policing Train the Trainer course in Sacramento, and attended the Police Department's recognition and swearing in ceremonies the previous Sunday. She recognized Police Officer of the Year Danny Ho.

Vice Mayor Pilch reported he attended the Mayor's Conference with Mayor McQuaid.

Council Member Maass reported he attended a Programs and Planning meeting at the County Transportation Commission. Planned projects may have consequences on completion of the Buchanan bike path. Council Member Maass also attended the East Bay Community Energy meeting and the Housing Authority of Alameda County meeting.
6. PRESENTATION

6-1. Proclamation in Honor of Gail Drulis

Mayor McQuaid presented the Proclamation.

The following person spoke: Frank, Albany YMCA.
A summary of comments is as follows: appreciation for Ms. Drulis' work and announcement of a retirement party.

6-2. Review of Advisory Boyd Work Plans

Staff recommendation: that the Council:

1) Receive a presentation regarding the Arts Committee Work Plan
2) Provide any comments or direction regarding the proposed work plan
3) Approve the work plan for implementation by the Arts Committee

Arts Committee Chair Peter Goodman presented the Arts Committee Work Plan. The Arts Committee proposed extending the Public Art Projects Plan to coincide with the work plan. The City needs to complete projects in the Ohlone Greenway before the Arts Committee can proceed with projects, such as placing loaned sculptures at Solano, Washington, and Dartmouth. Upcoming projects include Fall into Haiku, community public art, assisting Poet Laureate Rebecca Black's outreach, increasing promotion of citywide arts, and updating the Arts Committee website. The Arts Committee is working with the Economic Development Committee to locate a venue for regular performances in the Solano/San Pablo area. The Arts Committee wanted more arts-oriented businesses in Albany and murals on walls throughout the City.

The following person spoke: Brian Beall.
A summary of comments is as follows: inclusion of Albany Community Action murals in Arts Committee projects.

A summary of Council comments is as follows: proposals for community art projects; incorporation of proposals into the Public Art Projects Program (PAPP) in the two-year cycle; use of BART tracks at Ohlone Greenway for art; appreciation of Fall into Haiku event; murals in the Ohlone Greenway.

MOTION:
Moved by Council Member Nason, seconded by Council Member Maas, to approve the Arts Committee Work Plan.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.
7. **GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**
Mayor McQuaid opened the Good of the City.

The following persons spoke: Diane Ichiyasu, Robert Lieber, Deborah Perkins-Kalam, Marge Atkinson, Bryan Marten, Brian Beall.
A summary of comments is as follows: requests for the Council to discuss and support SB 562; support for removing the cross from Albany Hill; Albany Democratic Club meeting on Thursday.

8. **PUBLIC HEARING**

8-1. Resolution No. 2017-18 adopting a revised Master Fee Schedule

Staff recommendation: that the Council adopt Resolution No. 2017-18 – A Resolution of the City Council establishing and amending the City of Albany Master Fee Schedule for various permits, services and fines effective July 1, 2017

Finance Director David Glasser presented the staff report. Annually, the City adopts a Master Fee Schedule that sets the level of fees for permits, licenses, rentals, and other services. With the exception of Business Tax Rates, all new fees will take effect July 1, 2017. A draft of the proposed Master Fee Schedule was posted on the City’s website on April 4, 2017. The majority of fee increases is based on the All Urban Consumer Price Index (CPI) increase of 3.51%.

A summary of Council comments is as follows: many fees related to Police Department enforcement did not increase; reasons for not increasing some fees; a request for a tracked changes version of the document in future; some fees increased to reflect increased costs.

**MOTION:**
Moved by Council Member Maass, seconded by Council Member Nason, to adopt Resolution No. 2017-18, establishing and amending the City of Albany Master Fee Schedule for various permits, services, and fines effective July 1, 2017.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.

9. **UNFINISHED BUSINESS**

9-1. Sanctuary City Resolution No. 2017-9

City Council Subcommittee and staff recommendation: the Council adopt Resolution No. 2017-9, declaring Albany a Sanctuary City

Mayor McQuaid reported the Albany City Council published a statement in November 2016 reflecting community members’ concerns and fears following the national election and reaffirming its commitment to inclusion and appreciation of
a diverse community. The Albany Police Department made two informational presentations to the City Council on immigrant enforcement policies, and Police Chief McQuiston met several times with members of the community to review and discuss these policies. During the March 20th City Council meeting, numerous community members requested a stronger Sanctuary City Resolution. The Council determined that the City Manager, City Attorney, Assistant City Manager, Police Chief, and Mayor would review comments submitted by the public and incorporate appropriate comments into the draft resolution. Following the posting of an updated version of the resolution on the City’s website, additional recommendations from the community were incorporated. A second updated version of the resolution was presented at a community workshop hosted by Mayor McQuaid and Council Member Nason on April 5th. The resolution presented to the Council incorporates language suggested at the workshop.

The Albany City Council desires to continue to demonstrate its commitment to the wellbeing of all community members by declaring the City of Albany as a Sanctuary City. The City Council wants to highlight City policies which support community members. The City Council takes pride in being a City which recognizes the dignity and civil rights of all community members, including the right of all community members to live, work, and study in a city that does not subject them to prejudicial treatment or discrimination. The City Council understands that undue enforcement of immigration violations will damage the public's trust in law enforcement and make the entire community less safe. There's nothing in the Sanctuary City Resolution or City policies that is in violation of the Constitutions of the United States and California.

The following persons spoke: Kim Denton, Janet Newman, Brigid Acuna, Bryan Marten, Brian Beall, Bruce Fukji, Bonnie Wolf, Julia Mass, Sasha Keller, Karen Larson, and Olga Miranda.
A summary of comments is as follows: concern that becoming a Sanctuary City will prevent the City from receiving federal grants; appreciation for efforts leading to the City becoming a Sanctuary City; a question about efforts to promote the City as a Sanctuary City; withholding federal grants from Sanctuary Cities is unconstitutional.

A summary of Council comments is as follows: efforts to publicly acknowledge the City as a Sanctuary City; no perceived risk of the City losing federal funding; thanks to Mayor McQuaid, Council Member Nason, staff, and the community for their work; the Police Department led the City in updating policies.

**MOTION:**
Moved by Mayor McQuaid, seconded by Council Member Nason, to adopt Resolution No. 2017-9, declaring Albany a Sanctuary City.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.

10. NEW BUSINESS

Item 10-1 was heard following Item 10-2.

10-1. Draft Parking Management Plan

Staff recommendation: that the Council receive the draft parking study report as recommended by the Traffic & Safety Commission. Formal policy amendments and implementation are not proposed at this time.

Planning Manager Anne Hersch presented the staff report. The draft Parking Management Plan was funded through a grant from the Alameda County Transportation Commission. On February 23, 2017, the Traffic and Safety Commission accepted the report and noted follow-up items should the plan be adopted. Staff requested the Council accept the report but did not make a formal recommendation to change parking policies related to on-street management.

Bill Hurrell shared a definition of a parking management plan, public outreach efforts, and results of 500 intercept surveys. Peak parking occupancy in the San Pablo and Solano areas occurred midday on weekdays. The overall occupancy rate in the study area is 60%; the industry standard for practical capacity is 85% occupancy. Areas at or above 85% occupancy tend to be in the Solano Avenue study area with some in the San Pablo area. The pattern of parking use for the evening hours is similar to midday hours with slightly less occupancy. Most block faces have no capacity issues; a fair number have occupancy issues in the 4:00-6:00 and 6:00-8:00 hours. The average duration of parking for the entire area was approximately 3 1/2 hours on side streets. There is no overall parking issue on weekends.

Recommendations include adopting goals and guiding principles for a parking program and implementing uniform parking restrictions such as 90-minute parking, time limits in residential areas or residential permits, and extending parking enforcement into the early evening hours in the Solano area. There is no need for paid parking at the current time. Changing parking restrictions could reduce parking occupancy in hot spots.

The following persons spoke: Doug Donaldson, Harry Chomsky.
A summary of comments is as follows: parking occupancy data is useful; the nature of development in Albany will not increase parking demand; a desire for nuanced information regarding parking and modes of travel; no support for implementing permit parking.

A summary of Council comments is as follows: whether the study determined resident parking versus visitor parking on residential streets; implementation of
hourly limits would include a parking permit program; reasons for permit parking zones; level of parking enforcement during data collection; implementation of parking restrictions in discrete areas with high parking demand; use of license plates rather than window decals to indicate purchase of parking permits; use of residential permit parking to reduce short-term visitor parking; requirements for developments to implement transportation demand management programs; concerns about semi-abandoned vehicles or one person's multiple vehicles parked on residential streets; the possibility of permit parking in hot-spot areas providing relief and encouraging permit parking in other areas; there is not a parking issue in the commercial district but in the side streets to the commercial district; if future economic development is successful, then residential permit parking and parking meters could be needed.

MOTION:
Moved by Council Member Maas, seconded by Council Member Barnes, to receive the draft parking study report.
AYES: Council Members Barnes, Maas, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.

10-2. BAAQMD Rule 12-16 Letter of Support
Staff recommendation: that the Council provide direction to staff related to letter to BAAQMD Board of Directors

Community Development Director Jeff Bond presented the staff report. The Bay Area Air Quality Management District (BAAQMD) Board of Directors directed District staff to prepare Rule 12-16 related to refinery emissions. District staff prepared their own recommendations, known as Rule 11-18. These rules pertain to subjects beyond the expertise of City staff, but staff has provided relevant correspondence and a PowerPoint presentation prepared for the District Board.

The following persons spoke: Shoshana Wechsler, Joan Bernier, Delia Carroll, Brittany King.
A summary of comments is as follows: support for Rule 12-16.

A summary of Council comments is as follows: support for Rule 13-1; reasons for supporting Rule 13-1; Rule 12-16 limits the output of refineries only; the complementary nature of Rules 13-1 and 12-16; implementation periods of Rules 13-1 and 12-16; potential merger of Rules 13-1 and 12-16; support for Rule 12-16; the Council should make a recommendation after obtaining a better understanding of the issues; broaden support beyond Rule 12-16 in the letter.

The Council directed staff to return the item to the Council on the Consent Calendar at the first meeting in May.
10-3. Discussion of Artificial Turf at the Tom Bates Complex Field

Council Member Nason presented a report. The artificial turf on fields at the Tom Bates Complex needs replacing. When the existing crumb rubber surface was installed, fees were implemented to allow future replacement with the same surface. Because of health concerns around the use of crumb rubber, cork was suggested as a replacement surface; however, a cork surface and shock pad costs $300,000-$400,000 more than a crumb rubber surface. The recommendation for replacement would likely be installation of a cork surface to prevent toxic exposure and almost certainly installation of a shock pad to reduce injuries. The City could expect a request for additional funding to support the recommendation.

A summary of Council comments is as follows: the City’s additional share of funding; cities’ potential liability for toxicity from the rubber and increased injuries; use of natural and artificial turf in the complex.

11. OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS

Council Member Maass encouraged Council Members to attend the Plan 2040 presentation scheduled for May 26. Mayor McQuaid and Council Member Nason indicated they planned to attend.

11-1. Upcoming City Events

National Poetry Month Workshop, Friday, April 28, 5-7 PM, Community Center

Cirque du Summer – Summer Camp Expo, Saturday, April 29, 10 AM, Community Center

11-2. Upcoming City Meetings

Community Media Access Committee, Monday, April 24, 6:00 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesdays, April 26, 7:00 PM, City Hall Council Chambers

Traffic & Safety Commission, Thursday, April 27, 7:00 PM, City Hall Council Chambers
12. ADJOURNMENT

10:18 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