6:15 p.m. – SPECIAL MEETING

CLOSED SESSION

CALL TO ORDER

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

1. 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.

Mayor McQuaid read the following statement:
The Albany City Council was dismayed to learn that the cross on Albany Hill was lit by the Albany Lions Club on September 11, 2017. Flags on City buildings and parks were flown at half-staff on that day, which is an appropriate non-denominational, civic remembrance of that terrible and tragic day. She reiterated 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. The City has been notified that the Albany Lions Club filed suit in federal court on September 11 against the City of Albany and several employees and Council Members individually. The civil action seeks damages and injunctive relief for deprivation of due process, equal protection, interference with the right of free speech, and interference with the free exercise of religion. The City will respond to the Lions Club’s claims through the judicial process. The Council appreciates the input and support received to date from the public and encourages members of the public to continue respectfully sharing their concerns with the Lions Club as well as the City Council.

The following people spoke: Jeffrey Bartlett, Judy Kerr, Larry Hicok, Charles Smith, Roy Torkington, Brian Marten, Sandy Marsh, and Pam Tellew.
A summary of comments is as follows: the lawsuit should be treated as an attempt to force religion into the public secular space; support for seeking removal
of the cross through the lawsuit; concern that the lawsuit could prohibit the City from addressing safety issues with the cross; dismay at the Lions Club lighting the cross on September 11; rights under easement law.

ADJOURNMENT

7:30 p.m. - REGULAR MEETING

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
   Council Member Maass led the Pledge of Allegiance.

2. ROLL CALL
   Present: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
   Absent: none

3. CEREMONIAL MATTERS
   Mayor McQuaid restated the statement read during the Special Meeting.

4. 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.

5. CONSENT CALENDAR

5-1. Minutes, September 5, 2017
   Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 9/15/17; Net Payroll: $333,329.71;
   Taxes, Benefits, Withholdings: $356,041.04; Total: $689,370.75
   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: $$778,695.80 (9/1/17);
   $205,580.13 (9/8/17)
   Staff recommendation: Ratify

5-4. Resolution in Support of the Deferred Action for Childhood Arrivals Program
   Mayor McQuaid recommendation: that the Council adopt Resolution No. 2017-74, in Support of the Deferred Action for Childhood Arrivals Program

5-5. Resolution No. 2017-72 Authorizing the Use of California State 9-1-1 Emergency Communications Office Funds to Upgrade the Police and Fire 9-1-1 Telephone System
Staff recommendation: that the Council adopt Resolution No. 2017-72 authorizing the use of funding from the Department of General Services (DGS), California State 9-1-1 Emergency Communications Office, and authorizing a contract with AT&T to upgrade the Police and Fire 9-1-1 and digital voice recorder system in an amount not to exceed $218,000

5-6. Alameda County Emergency Medical Services First Responder Advanced Life Support (FRALS) and Ambulance Transport Services Agreement Contract Extension

Staff recommendation: that the Council adopt Resolution No. 2017-75, authorizing the City Manager to execute an agreement with the ALCO EMSA to extend the current Emergency Medical Services FRALS and Ambulance Transport Services Agreement

5-7. Moratorium on the Formation of New Community Choice Aggregation Programs - Notice of Opposition

Mayor McQuaid recommendation: that the Council authorize submittal of the Notice of Opposition to the Moratorium on the Formation of New Community Choice Aggregation Programs

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Vice Mayor Pilch pulled Item 5-7.

Vice Mayor Pilch suggested the Council should approve the letter even though the matter has been resolved.

MOTION:
Moved by Council Member Maass, seconded by Council Member Nason, to approve the Consent Calendar.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS
Mayors McQuaid opened the Good of the City.

The following people spoke: Larry Hicok, Amy Neil, Pam Tellew, Brian Marten, and Jeremiah.
A summary of comments is as follows: the City must demand the lawsuit be permanently settled in the City's favor; support for removing the cross to private land; the City needs an attorney familiar with easement law; concerns about Items 23, 29, 30, and 31 of the lawsuit; support for implementing speed limits in school zones; support for repaving certain intersections of Solano Avenue; announcement of a harvest festival on October 15; appreciation for the public shower volunteers; a request to replace the pedestrian sign at Solano and Cornell.
7. COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS

Council Member Maass reported he attended meetings for the Programs and Projects Committee of the County Transportation Commission and the Transit Planning Committee. The San Francisco County Transportation Authority conducted a study of the impact of transportation network companies on transit. At the meeting of the Recycling Board, Council Member Maass learned the market for recycled paper and plastic continues to crash.

Vice Mayor Pilch reported he attended the membership meeting of the East Bay Economic Development Alliance, where they discussed the Bay Area Economic Development Plan and the City of Oakland's actions regarding marijuana law.

Mayor McQuaid reported she attended the Chamber of Commerce mixer, Music in the Park, Albany Stroll, a 2x2x2 meeting, and the League of California Cities annual conference. She participated in a conference call with Climate Mayors.

8. PRESENTATION

9. PUBLIC HEARING


Planning Manager Anne Hersch presented the staff report. Measure D, enacted in 1978, established a parking standard of two parking spaces per dwelling unit regardless of size. A provision of Measure D allows a reduction to 1 1/2 spaces per unit with a Conditional Use Permit. In 2016, Albany voters approved Measure N1, which authorizes the City Council to set residential parking standards for new construction through a conventional ordinance amendment process. The City Council included implementation of Measure N1 as a means of facilitating housing development in the Strategic Plan. The Planning and Zoning Commission (Commission) discussed parking standards on February 8, April 26,
and July 26 and adopted a resolution forwarding recommendations for Council consideration. The primary focus is to establish amended standards for new residential construction. The amendments modernize the Code by defining car share service, unbundled parking, electric vehicles, Transportation Demand Management plans, and bicycle infrastructure. The amendments also codify requirements for bike rack installation; establish bicycle parking ratios for new businesses and residential development; and define terms related to bicycle parking. The Commission recommended requiring one parking space per unit in a multifamily development or residential mixed-use development; establishing required parking ratios for two-family dwellings, live/work, senior housing, affordable dwelling units, and shared housing; and allowing parking reductions through a Conditional Use Permit for multifamily development, residential mixed-use, affordable housing, and existing residential, commercial, and mixed-use developments. Parking standards may be adjusted with a Conditional Use Permit, provided the developer considers an onsite car share service, unbundled parking, a bicycle share program, a Transportation Demand Management plan, or some combination thereof. The Planning and Zoning Commission decided to maintain the existing requirement for a second off-street parking space when 240 square feet or more is added to an existing home. Ordinance 2017-06 proposes amendments to both parking and residential use classifications. Amendments to residential use classifications modernize and add definitions.

The following people spoke: Aaron Priven, Ed Fields, and Allan Maris. A summary of comments is as follows: support for eliminating parking restrictions in Albany; the parking requirement for single-family versus multifamily housing is a double standard; consider the impact of trash carriers leaving bins in the street on on-street parking.

A summary of Council comments is as follows: the Commission's discussion of transportation network companies or car sharing programs; the Commission's reasons for not reducing parking for single-family residences; Commission review of parking standards in surrounding cities; parking requirements for secondary units and applying the requirements to the entire City; components of a Transportation Demand Management plan; disincentives for ownership of multiple vehicles; specific language for ingress and egress for cars parked near bicycle racks; consideration of alternatives to parking exemptions; prohibitions for parking in private driveways; a parking survey of garages at existing multifamily buildings; incentivize use of transportation alternatives in order to increase housing density; requiring two off-street parking spaces does not reduce on-street parking; a parking survey of multifamily dwellings should have been conducted to provide data; parking maximums should be considered; parking requirements should not be used to limit the size of dwelling units; clarification of duplex and indoor vehicle and bicycle parking; consider requiring unbundled parking; bicycle parking should be either protected or in a well-trafficked area for safety reasons; include a definition for protected bicycle space; use of parking
requirements to influence the design of homes; perhaps parking exceptions could be tied to energy efficiency; the discussion of parking should continue as transportation modes change; the definition of Transportation Demand Management is vague; studies show that people who live in multifamily housing tend to own fewer cars; a suggestion to require two parking spaces for a single-family residence with an accessory dwelling unit; perhaps there should be more blue curbs to ensure adequate space for ingress and egress from vehicles.

**MOTION:**
Moved by Vice Mayor Pilch, seconded by Council Member Nason, to approve the first reading of Ordinance No. 2017-06, with staff to make minor changes as discussed prior to a second reading.  
AYES: Council Members Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
ABSENT: Council Member Barnes
Motion carried and so ordered.

10. **UNFINISHED BUSINESS**

10-1. Draft Policy Regarding City Council Statements on State Legislation and Other Matters

Staff recommendation: that the Council review the draft policy regarding Council Statements on State Legislation and other matters as prepared by the City Council subcommittee

City Manager Penelope Crumpley presented the staff report. On July 31, 2017, a subcommittee was formed to discuss standardized processes for Council legislative action. Council Member Nason and Council Member Maass prepared the draft policy presented for discussion.

Mayor McQuaid presented an alternative proposal for two policies, one for letters and one for Mayor statements. She suggested the Council discuss the original policy and continue the item to a future meeting for a final decision. Because letters and Mayor statements are different, the Council should have a policy for each.

The following people spoke: Ronnie Davis.
A summary of comments is as follows: support for the Council adopting such a policy.

A summary of Council comments is as follows: the original policy was drafted with the idea that statements would be made on behalf of the entire City Council; Mayor statements should follow the strategic goals of the City; the City does not have a legislative platform and the goals are general; the Mayor should make a statement on behalf of the Council when an issue arises too late for Council
discussion or in the event of an emergent crisis, with the Council ratifying the statement afterwards; a statement shows support of the community; the subcommittee's proposal does not address legislation that would directly affect the City; utilize language of "if an urgent need arises" rather than "an urgent request;" an agenda item entitled the Good of the Council could provide time for the Mayor to make a statement and for Council Members to agree or disagree; a suggestion for the Council to take more and shorter breaks rather than one month-long break; a Mayor statement should remain part of Ceremonial Matters; a statement should refer to "we, the Council" only when the Council has provided input.

City Manager Crumpley remarked that a written policy would be important to distinguish between a statement and legislative support.

Mayor McQuaid directed that the item be continued to the second meeting in October.

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

Mayor McQuaid noted Local Week is September 23-30. The next Council meeting is scheduled for Monday, October 2.

12-1. Upcoming City Events

Music in the Park – Wednesdays in September, Memorial Park, 6:30 PM

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

Friends of Albany Parks Clean-up Day: Creekside Park – Saturday, September 23, 9 AM

Bay Area SunShares Workshop – Wednesday, September 27, 6 PM, Richmond City Hall

Pizza, Pints & Pinots Party – Thursday, September 28, 6 PM, Little Star Pizza Lot, 1181 Solano Avenue

Food Truck Friday – Friday, September 29, 5 PM, Community Center

Clothing Swap-o-rama-rama, Saturday, September 30, 1–5 PM, Community Center

Movie Night, Saturday, September 30, 7:30 PM, Corner of Solano at Cornell Avenue
12-2. Upcoming City Meetings

Library Board, Tuesday, September 19, 7 PM, Albany Library - Edith Stone Room

Sustainability Committee, Tuesday, September 19, 7:30 PM, City Hall Council Chamber

Community Media Access Committee, Monday, September 25, 6 PM, City Hall Council Chamber

Charter Review Committee, Monday, September 25, 7:30 PM, City Hall Conference Room

Planning & Zoning Commission, Wednesdays, September 27, 7 PM, City Hall Council Chamber

Traffic & Safety Commission, Thursday, September 28, 7 PM, City Hall Council Chamber

13. ADJOURNMENT

9:09 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Ed Davis.

Minutes submitted by Nicole Almaguer, City Clerk.

Peggy McQuaid
Mayor

Attest:

Nicole Almaguer, City Clerk