CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, FEBRUARY 20, 2018

6:00 p.m. 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 Nicole Almaguer & Joe Wiley
   – Chief Negotiator
   Employee Organization: Albany Police Officers’ Association

2. Closed session pursuant to Government Code Section 54957 to discuss public employee performance evaluation and goal-setting.
   Public Employee: Nicole Almaguer, City Manager

ADJOURNMENT

7:30 p.m. - SPECIAL MEETING

CALL TO ORDER

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

2. ROLL CALL
   Present: Council Members Maass and Pilch, Vice Mayor Nason, Mayor McQuaid
   Absent: Council Member Barnes (excused)
3. **CEREMONIAL MATTERS**

Mayor McQuaid read the following statement regarding the school shooting in Florida:

Once again this evening I am extending the condolences of our City to a community devastated by violence. We mourn with Parkland, Florida, and we stand with students in demanding action. I am working with Superintendent Williams and Police Chief McQuiston to learn what we are currently doing to protect our students and our community and what else we can do both locally and regionally. I will continue to voice encouragement and support for those who advocate for thoughtful and meaningful reforms and fight against those who aim to further destroy our communities. To this end, I have joined Mayors Against Illegal Guns, a part of Everytown for Gun Safety. Albany is not immune to these events, and we will not tolerate violence against our community. Many in our community are working hard to foster an equitable and inclusive school environment, but there is more work to be done. We must continue our efforts promoting social justice and affirming a welcoming and supportive environment in our entire community. We are hearing from brave and articulate students in Florida demanding action. We must find hope through these young people who are turning their anguish into action. History shows us it is the youth who have successfully brought about change in this country through antiwar, Black Lives Matter, and Me Too movements among others. Let us join with them and work to keep the promise, Never Again MSD. We must empower people who share our values and reject those who do not. We must meet this challenge with courage and, through the acceptance of our own personal responsibility to end this madness, we will bring honor to all who have been murdered. We will adjourn our meeting tonight in memory of those killed in Parkland, Florida.

Council Member Pilch remarked that 18 shootings have occurred in U. S. schools in 2018. There are more U.S. retail outlets selling guns than there are Starbucks in the world.

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

Mayor McQuaid had no information to report.

5. **CONSENT CALENDAR**

5-1. Minutes, February 5, 2018

   Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 2/2/18; Net Payroll: $298,105.88; Taxes, Benefits, Withholdings: $299,870.32; Total: $597,980.20

   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: $268,375.40 (1/19/2018); $66,406.57 (1/26/2018)

Staff recommendation: Ratify

5-4. Electric Vehicle Grant Agreement

Staff recommendation: that the Council adopt Resolution No. 2018-24 authorizing the City Manager to sign a grant agreement with the Bay Area Air Quality Management District for electric vehicle charging stations

5-5. Proclamation – Lunar New Year

Staff recommendation: that the Council adopt the proclamation in honor of Lunar New Year 2018


Staff recommendation: that the Council Adopt Resolution No. 2018-25 – A Resolution of the Albany City Council approving the updated salary schedules for Unrepresented Management/Confidential and Safety Management employees and authorize additional funding to account for the reclassification of the current Secretary to the City Manager position


Mayor McQuaid recommendation: that the Council authorize submittal of the letter of opposition

5-8. Termination of the ICMA-RC Part-Time, Temporary, and Seasonal (PTS) Employee Retirement Savings Plan

Staff recommendation: that the Council Adopt Resolution No. 2018-26 – A Resolution of the Albany City Council authorizing the termination of the ICMA-RC PTS plan

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Mayor McQuaid pulled Item 5-6. Aaron Priven, a member of the audience, pulled Item 5-7.

Item 5-6: Mayor McQuaid wished to have a comprehensive review of compensation, job titles, and job descriptions because supervisors could earn less money than those they supervise and the City Manager’s current salary is less than some staff salaries. Council Member Pilch felt City compensation should maintain parity with surrounding communities.
The following persons spoke: Aaron Priven and Doug Donaldson. A summary of the comments is as follows: opposition to changes suggested in the Council letter opposing SB 827; a suggestion to add two sentences to the first paragraph of the Opposition Letter to acknowledge all the housing bills.

A summary of Council comments is as follows: the language in the current Opposition Letter is milder than the previous version and a good compromise of opposing views; the letter encourages the current direction of revisions to SB 827; the suggested language of giving the other housing laws a chance to improve housing is vague; the Council should continue to monitor SB 827.

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

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

The following persons spoke: None

7. **COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS**

7-1. Council Member Pilch Report

Council Member Pilch reported on the East Bay Community Energy (EBCE) Board of Directors' discussion of the discount rate and minimum standards for the default product. His written report contains more details of the discussion.

Vice Mayor Nason reported Mayor McQuaid and she attended a meeting of the Alta Bates Task Force on keeping Alta Bates Hospital in Berkeley, where they discussed a second forum in west Contra Costa County and efforts to recruit leaders from these communities. Mayor McQuaid and Vice Mayor Nason also attended the Mayors Conference, at which a potential change in Albany's representative to the Bay Area Air Quality Management District and mosquito control were discussed. The Albany Landfill Dog Owners held a beach cleanup and expressed interest in creating opportunities for the beach to be free of dogs.

Council Member Maass reported he attended the Alameda County Recycling Board meeting, where they heard reports regarding the audit of fiscal year 2016-2017 financial data and cleanup of homeless encampments in Fremont, Alameda,
and Albany. Council Member Maass also attended Alameda County Transportation Commission's Projects and Programs Committee meeting and discussed a Lifeline Program for disadvantaged communities. On February 14, he attended the Alameda County Housing Authority meeting and learned about the small amount of federal funding available for housing vouchers.

Mayor McQuaid reported she attended the Everyone Home Leadership Board meeting and the YMCA Youth in Government VIP Day in Sacramento and participated in a Climate Mayors webinar. Four Council Members attended the launch of the LimeBike bikeshare program. One current and one former Albany High School student spoke at the Youth in Government VIP Day. Mayor McQuaid and District Attorney O'Malley will host a Town Hall on March 7 on sexual assault and sexual harassment. Mayor McQuaid and Assistant City Manager Isabelle Leduc will attend the Alameda County Summit on Homelessness. Congresswoman Lee's staff will hold office hours the following day from 3:00 to 5:00 p.m. in the Community Center. On Friday, the Recreation Department will receive an award from the California Park and Recreation Society for its partnership with the community to clean parks. Albany Community Foundation will be recognized as well.

City Manager Nicole Almaguer reported the Solano Avenue parklet opening is scheduled for February 25 from noon to 2:00 p.m., and the opening of Peggy Thomsen Pierce Street Park will be held March 1 at 5:30 p.m. The deadline to submit applications for the Civics Academy is March 22. Applications can be submitted through the City's website. Recruitments are underway, and job opportunities can be found on the City's website. Staff anticipates the Marin/Buchanan project will be substantially complete by the end of March. PG&E should begin undergrounding its wires in mid-March.

8. PRESENTATION

8-1. Alameda County Transportation Commission Presentation on Gilman Street/I-80 Roundabout Project

Susan Chang, Alameda County Transportation Commission Project Manager, advised that great progress has been made on the project in the last few months. The project is currently undergoing environmental review. Hopefully, construction of some elements of the project, such as the pedestrian-bicycle path on Gilman Street, will begin at the end of 2019 or beginning of 2020.

David Early, PlaceWorks, reported the project is located at the Gilman Street/I-80 interchange in the City of Berkeley. This intersection is perhaps one of the most highly trafficked and dangerous intersections in the immediate East Bay area. Three of the four legs of the interchange have statistics above the state average for either injury and fatality accidents or all collisions. The interchange has been studied for the past 20 years, and all studies concluded that neither stop signs nor
signalization is feasible for the interchange. The interchange does not have sufficient space for a diamond configuration. Therefore, roundabouts are the only workable solution to address the high amounts of traffic. Meetings with public agencies, community-based organizations, local property owners, the Cities of Berkeley and Albany, and other stakeholders began in early 2016.

The project focuses on two roundabouts that will accommodate each of the two pairs of on-ramps and off-ramps. The roundabouts will have landscaped areas, sidewalks, and at-grade paths. A pedestrian/bike overcrossing will cross the interstate either to the north or the south of the roundabouts. A cycle track will run from the bicycle path at Second Street to Fourth Street, where a new signal will be installed. Bicycle improvements will extend from Gilman and Fourth, along Fourth Street, Harrison, and Fifth to Cordornices Creek. The project includes new access to the Golden Gate Fields stables and will close the gap in the Bay Trail.

Roundabouts result in reductions in collisions, fatality collisions, and pedestrian injuries; have 75% fewer points of conflict compared to standard intersections; are one of the most efficient ways to move traffic through a limited area; and are particularly appropriate where more than four streets meet at an intersection.

Bicycle and pedestrian improvements include a bike-only exit from the roundabout to Eastshore Highway northbound; sidewalks and shared-use paths on the north and south sides of the intersection; a new crossing of Second Street on Gilman; and dedicated bicycle and pedestrian connections serving the entire interchange area. A southern alignment of the overcrossing will travel along Eastshore Highway, over the freeway, and along the Tom Bates sports fields. A northern alignment will travel north from the roundabout along Eastshore Highway, cross the freeway, and along the Golden Gate Fields stables. A two-way cycle track will extend from Second Street to Fourth Street and will be located on either the north or south side of Gilman depending on the location of the overcrossing. The existing Bay Trail will be extended along the sports fields and Gilman Street and connect to the new East Bay Regional Park District facility.

Traffic queuing at the roundabouts will not conflict with the Second Street intersection or other intersections. The project will require limited right-of-way acquisition on the west side of the freeway, notably a narrow strip of undeveloped land along the Tom Bates sports fields. No land acquisition is necessary on the east side of the freeway for the southern overcrossing, but limited land acquisition is necessary for the northern overcrossing. With implementation of this project, vehicles will not be able to enter Eastshore Highway from Gilman in either the northbound or southbound directions. Enhanced signage, new paving, enhanced streetscape, and other improvements will make the new access routes more noticeable. Staff considered two other options for access routes, but both options created unacceptable queuing, a confusing directional situation, or the need for
significant land acquisition. Staff is investigating options for access to the Golden Gate Fields stables.

Future steps include ongoing outreach and design and environmental review. Construction could begin as early as late 2019 and be complete by 2022.

The following persons spoke: David Duggan, Preston Jordan, and Elizabeth Pun. A summary of the comments is as follows: concern about the impact of the northern overcrossing on Golden Gate Fields stables, and a preference for the southern overcrossing; support for the northern overcrossing with proposed mitigations and potential future mitigations; a request for clarification of access to the freeway from Gilman Street.

A summary of Council comments is as follows: rationale for one travel lane in each direction underneath the freeway; the ability to change lanes in the roundabouts; additional locations of signage for businesses; emergency vehicle access to Golden Gate Fields stables; rationale for a northern alignment of the overcrossing; skepticism about traffic queuing data; the lack of objection from users of the Eastshore Highway appears to indicate they are comfortable with the proposal; a suggestion for public outreach regarding use of the roundabouts.

8-2. Fiscal Update for FY 2017-2018 – 1st and 2nd Quarters

Staff recommendation: accept and file report

Finance Director David Glasser presented the staff report. Generally, revenues and expenditures are consistent between FY 2017 and FY 2018. Expenditures for salaries and benefits is lower in FY 2018 than in FY 2017. However, over time expenditures for salaries and benefits is higher in FY 2018 because of staff vacancies. FY 2018 expenditures by department and by category are consistent with FY 2017 expenditures. Fifty percent or less of department expenditures have occurred in the first two quarters of FY 2018. The main reason for expenditures being at or less than 50% of the budgeted amount is vacancies within departments.

The California Public Employees' Retirement System (CalPERS) will continue to adopt more conservative fiscal policies, which will result in higher costs to cities like Albany, meaning mature cities with enhanced benefits. Overall CalPERS' new policies are considered prudent and will strengthen the fiscal solvency of the retirement plans. From a taxpayer and City perspective, these policies will result in higher pension costs for the foreseeable future.

Over the last few years, the City has had robust growth in property taxes. The County Assessor projects 6.5% growth in assessed property values from FY 2017 to FY 2018. Historical growth has been 5.34% annually since FY 2006. Recent federal tax reforms, specifically the state and local tax deduction limits and mortgage interest limits, may significantly dampen growth of property tax values.
In the franchise and other taxes category is property transfer taxes. FY 2017 property transfer taxes totaled approximately $1.8 million, or $340,000 more than in FY 2016. The property transfer tax is one-time revenue and is more sensitive to declines in property tax growth or declines in home sales. Both the 1¢ and 0.5¢ sales taxes continue to experience growth. Internet sales continue to erode brick-and-mortar sales tax revenue. Staff determined that a large sales taxpayer misallocated sales tax to a neighboring city. The State will correct the misallocation within the next quarter.

The following person spoke: Elizabeth Pun.
A summary of the comments is as follows: a request for an explanation of intergovernmental revenues and for the amount of the unfunded pension liability.

Glasser advised that intergovernmental revenues are funds received from the County or State.

A summary of Council comments is as follows: the City is on budget for FY 2017-2018 and was underbudget for FY 2016-2017; reasons for the decreases in lines 34-37 of the expenditure and revenue chart for FY 2017-2018 compared to FY 2016-2017.

9. PUBLIC HEARING

9-1. Ordinance No. 2018-01, Establishing Property Owner's Responsibility for Sidewalk Repair – First Reading

Staff recommendation: that the Council conduct a public hearing and introduce for first reading Ordinance No. 2018-01, establishing property owner's responsibility for sidewalk repair

Community Development Director Jeff Bond presented the staff report. In June 2016, the Council adopted a sidewalk policy and placed on the November ballot a tax measure to fund sidewalk upgrades. The Council directed staff to prepare an ordinance that authorizes the City to require property owners to renovate sidewalks abutting their properties at the time of sale of the property or at the time of major renovation of the property. The proposed ordinance is patterned after the ordinance establishing property owners' responsibility for sewer lateral repair. Staff proposes an effective date of July 1 to coincide with adoption of the Master Fee Schedule and to allow staff to educate title companies and realtors about the ordinance. The Municipal Code contains provisions for unique situations and cases of infeasibility and hardship.

The following person spoke: Elizabeth Pun.
A summary of the comments is as follows: the City should take some responsibility for sidewalk repairs caused by trees that the City requires residents to plant.
Bond indicated Municipal Code provisions for hardship and infeasibility can be applied to this type of situation.

A summary of Council comments is as follows: an update of street tree policies could explore the impact of trees on sidewalks and modify the selection of street trees to include species that do not impact sidewalks.

**MOTION:**
Moved by Council Member Pilch, seconded by Vice Mayor Nason, to introduce for first reading Ordinance No. 2018-01, establishing property owners' responsibility for sidewalk repair.
AYES: Council Members Maass and Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: None
ABSENT: Council Member Barnes
Motion carried and so ordered.

10. **UNFINISHED BUSINESS**
11. **NEW BUSINESS**
11-1. Residential Design Guidelines

Planning & Zoning Commission recommendation: that the Council adopt the amended Residential Design Guidelines

Staff recommendation: that the Council approve Resolution No. 2018-22 adopting the amended Residential Design Guidelines

Planning Manager Anne Hersch presented the staff report. The City originally adopted Residential Design Guidelines (Guidelines) in 1997. The Guidelines were updated in July 2009. Staff utilizes the Guidelines to assist applicants, neighbors, staff, and Commissioners in understanding and communicating the City's design goals. The Albany 2035 General Plan contains both a policy and an action to amend the Guidelines to include the City's historical architectural character and contemporary architecture. The current Guidelines do not address contemporary architecture, which has created issues for recent applications proposing contemporary designs. Since 2009, Building Code requirements, aesthetic preferences, accessory dwelling unit regulations, and landscape/climate conditions have changed significantly. These factors play into applicants' design considerations. Staff's analysis of a residential remodel application includes each of the ten essentials for good design, and the analysis is provided to the Planning and Zoning Commission (Commission).

The Commission held a series of study sessions to update the Guidelines in September and November 2016, May 2017, and January 2018. The proposed Guidelines contain a broad introduction, seven principles rather than ten elements, and before and after photographs; and address architectural character from 1910-
1950, contemporary design, and exceptional design. The Commission deliberately placed parking as the final principle so that the emphasis is on a well-designed project. The chapter for historic character shows before and after images of additions that are well integrated into the existing architecture. The contemporary architecture section illustrates recent projects with modern aesthetics that are balanced with the neighborhood context. Modifications to the Guidelines include a larger format, better graphic communication of expectations, larger images of examples, and font consistency.

Staff has provided two samples of project analyses utilizing the current Guidelines. If the Council adopts the proposed Guidelines, staff will provide sample analyses utilizing the newly adopted Design Guidelines. The Guidelines incorporate a wide variety of sustainable development principles. As the proposed Guidelines were prepared by staff, there were no financial impacts. The project is exempt from California Environmental Quality Act (CEQA) requirements.

The following person spoke: Planning & Zoning Commissioner Doug Donaldson.
A summary of the comments is as follows: Planning and Zoning Commissioners are proud of the updated Design Guidelines and look forwarding to working with them.

A summary of Council comments is as follows: the rationale for the considerably fewer references to green building or sustainability in the proposed Guidelines; a suggestion to reference the California Green Building Code in the proposed Guidelines; Commission experiences with neighborhood comments regarding projects of contemporary design; the update is an improvement over the existing Design Guidelines;

MOTION:
Moved by Council Member Maass, seconded by Council Member Pilch, to approve Resolution No. 2018-22 adopting the amended Residential Design Guidelines.
AYES: Council Members Maass and Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: None
ABSENT: Council Member Barnes
Motion carried and so ordered.

12. OTHER BUSINESS, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS
City Attorney Craig Labadie announced the City Council intends to schedule a closed session for Monday, February 26, at 5:30 p.m. to discuss pending litigation with the Albany Lions Club.
12-1. Upcoming City Events
@theCenter: Albany Celebrity Game Night – All Stars, Friday, February 23, 6:30 PM, Community Center
Friends of Albany Seniors Annual Pancake Breakfast, Saturday, February 24, 9:00 AM, Senior Center
Sports Equipment Swap, Saturday, March 3, 9:45 AM, Community Center

12-2. Upcoming City Meetings
Sustainability Committee, Wednesday, February 21, 7:00 PM, City Hall Council Chambers
Traffic & Safety Commission, Thursday, February 22, 7:00 PM, City Hall Council Chambers
Community Media Access Committee, Monday, February 26, 5:00 PM, City Hall Council Chambers
Charter Review Committee, Monday, February 26, 7:30 PM, City Hall Conference Room
Planning & Zoning Commission, Wednesday, February 28, 7 PM, City Hall Council Chambers
Economic Development Committee, Thursday, March 1, 5:00 PM, City Hall Conference Room
City Council Meeting, Monday, March 5, 7:30 PM, Council Chambers, City Hall

13. ADJOURNMENT
9:44 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of those killed in Parkland, Florida.

Minutes submitted by Anne Hsu, City Clerk.

Peggy McQuaid
Mayor

Attest:

Anne Hsu, City Clerk