6:30 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

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

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 item.
4. CONSENT CALENDAR

4-1. Minutes, May 1, 2017
   Staff recommendation: Approve

4-2. Ratification of Payroll
   (1) Payroll Period: 4/28/17; Net Payroll: $272,878.20; Taxes, Benefits, Withholdings: $301,518.55; Total: $574,396.75
   (2) Payroll Period: 5/12/17; Net Payroll: $274,124.97; Taxes, Benefits, Withholdings: $296,270.63; Total: $570,395.60
   Staff recommendation: Ratify

4-3. Ratification of Police & Fire Pension Board Pension Payments ratified by Board on April 25 2017 for reports dated: February 28, 2017 ($106,668.42); March 31, 2017 ($106,668.42) and April 28, 2017 ($106,668.42)
   Staff recommendation: Ratify

4-4. Mayor McQuaid appointed Megan Jennings to the Planning & Zoning Commission
   Staff recommendation: Ratify

4-5. Associate Membership in the California Municipal Finance Authority
   Staff recommendation: that the Council adopt Resolution No. 2017-29 approving the City of Albany for Associate Membership in the California Municipal Finance Authority

4-6. Proclamation in Recognition of Emergency Medical Services Week
   Staff recommendation: that the Council approve the Proclamation in Recognition of Emergency Medical Services Week

4-7. Public Works Center – Moving Services Contract Award
   Staff recommendation: that the Council adopt Resolution No. 2017-28 authorizing the City Manager to enter into an agreement with Suddath Relocation Services of Northern California (Contract C17-05) in the amount of $49,523.60 to provide move services

4-8. Resolution No. 2017-27, adopting the Updated City Council Rules of Procedure & Order
   Staff recommendation: that the Council adopt Resolution No. 2017-27, approving the updated City Council Rules of Procedure & Order

4-9. Civic Center Improvements/Repairs (CIP No. 51002) – HVAC Upgrades at Police Department
   Staff recommendation: that the Council adopt Resolution No. 2017-30 authorizing the City Manager to award contract C17-11 in the amount of $39,750 to Matrix HG, Inc
4-10. Resolution No. 2017-26 Welcoming Refugees from Syria and Other Countries
Council Member Maass recommendation: that the Council adopt Resolution No 2017-26 Welcoming Refugees from Syria and Other Countries

4-11. AB 898 – Letter of Opposition
Mayor McQuaid recommendation: that the Council authorize submittal of a letter in opposition to AB 898

4-12. Resolution No. 2017-19 allocating $17,816 in Transportation Development Act (TDA), Article 3 Bicycle and Pedestrian Funds
Staff recommendation: that the Council adopt Resolution No. 2017-19 requesting allocation of Article 3, TDA FY2017-18 funds to MTC to partially fund the design of the San Pablo Avenue and Buchanan Street Pedestrian Improvements

4-13. Buchanan/Marin Utility Undergrounding & Bike Path Phase III Projects (CIP Nos. 10002 and 24004) – Budget Adjustments and Construction Contract Award
Staff recommendation: that the Council:

a. Approve an additional $731,000 of funding from Fund 2007 – General Capital Projects to the Buchanan/Marin Utility Undergrounding Project (CIP No. 10002) as an advance to temporarily fund construction and professional services costs related to the utility undergrounding project. This amount will be fully reimbursed by the participating utility companies per an agreed to reimbursement schedule.

b. Approve an additional $187,000 of funding from Fund 1105 – Gas Tax to the Buchanan/Marin Bike Path Phase III Project (CIP No. 24004) for a total project budget of $1,769,000.

c. Authorize the City Manager to enter into a Construction Contract Agreement C17-1 with Ghilotti Construction in the amount of $5,090,362.50 to construct the utility undergrounding and bike path improvements.

4-14. Initiating Proceedings, Approval of Annual Reports, and Intention to Order Improvements and Levy Assessments in Assessment District No. 1988-1 and Assessment District No. 1996-1 for the 2017-18 Fiscal Year, and Setting a Public Hearing for June 19, 2017 on the proposed assessments
Staff recommendation: that the Council:


Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. No items were removed from the Consent Calendar.

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: none
Motion carried and so ordered.

5. COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS

5-1. Council Member Maass Report on Meetings Attended

5-2. Council Member Nason Report on Meetings Attended

Council Member Maass reported he attended the April Alameda County Waste Management Authority meeting, the Alameda County Transportation Commission meeting, and the Alameda County Transportation Commission's Programs and Projects Committee meeting. County Transportation Commissioners discussed forming a committee of the smaller cities in Alameda County to apply jointly for transportation funding.

Council Member Nason reported she attended the Alta Bates Hospital Regional Task Force, which is forming subcommittees and obtaining information. The City of Berkeley website contains information supporting installation of a shock pad on
the Gilman Fields, and that will be discussed at the next Joint Powers Authority meeting.

Vice Mayor Pilch reported he hosted the Mayors' Conference in Albany, and he spoke at the Berkeley League of Women Voters meeting regarding housing.

Mayor McQuaid thanked Vice Mayor Pilch for substituting for her at the events, and announced that the East Bay Regional Park District will hold a meeting at City Hall to discuss beach and trail projects on May 16, 2017.

6. PRESENTATION

6-1. Proclamation in Honor of Older Americans Month

Mayor McQuaid read the Proclamation and presented it to Bill Decker, President of the Friends of Albany Seniors.

6-2. Presentation of Civics Academy Certificates

Recreation and Community Services Director Eva Phelan presented the Civics Academy participants and Mayor McQuaid presented participants with certificates.

6-3. Review of Advisory Body Work Plans

Staff recommendation: that the Council:

1) Receive a presentation regarding the Traffic & Safety Commission Work Plan
2) Provide any comments or direction regarding the proposed work plans
3) Approve the work plans for implementation

Traffic and Safety Commission Chair Susan Reeves presented the work plan. Funded initiatives for 2017-2019 are public outreach for bicycle facilities along Kains and Adams; review of the design of pedestrian improvements on San Pablo and Buchanan; recommendations regarding the construction plan for development of the North Albany Traffic Calming Plan; plans for Complete Streets for Upper Solano.

A summary of Council comments is as follows: Commission discussions related to advocacy of transportation funding and safety; review of policies for the annual sidewalk and pavement projects; a suggestion for the Commission to discuss projects funded through Senate Bill 2; appreciation for the Commission’s work on the sidewalk repair program; continuing review of traffic calming south of El Cerrito Plaza; use of soda tax revenue to increase walking such as increasing the number of kids walking to school; concerns about pedestrian safety and access in the Washington Avenue neighborhood; clarified that the Commission supports grant applications and does not submit grant applications; add an initiative to
study current enforcement of cars parking in the intersection of sidewalks and driveways.

MOTION:
Moved by Vice Mayor Pilch, seconded by Council Member Barnes, to accept the Traffic and Safety Commission Work Plan with the Council additions.
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 and closed the Good of the City with no public comment.

8. PUBLIC HEARING

9. UNFINISHED BUSINESS
9.1 Bay Area Air Quality Management District Refinery Emissions Regulations
Staff recommendation: that the Council provide direction to staff related to letter to the Bay Area Air Quality Management District Board of Directors
City Manager Penelope Crumpley presented the staff report.

Eric Stevenson from the Bay Area Air Quality Management District (BAAQUMD) reported the BAAQMD Board of Directors requested staff propose two regulations concerning hard numeric caps on refineries for criteria pollutants and greenhouse gas pollutants, and toxic air contaminants from refineries and all facilities located throughout the Bay Area. Rule 12-16 proposes a cap on annual GHG and criteria pollutant emissions from five refineries and three associated facilities; sets annual emission limits which cannot be exceeded based on Air District and California Air Resources Board (CARB) emission data for the most recent five-year period; and allows a 7% increase over those levels for year-to-year variation. Air District staff identified the following issues with Rule 12-16: it may be beyond the Air District's authority; it sets more restrictive permit requirements for criteria pollutants; and it can potentially limit production and interfere with the transportation fuel market. As alternatives to Rule 12-16, Rule 11-18 reduces the risk for people living next to any facility that utilizes toxic air contaminants, and Rule 13-1 addresses GHG. Rule 11-18 reduces risk to the lowest achievable level; provides greater benefits to the most impacted areas; incorporates the latest risk methodologies; promotes continued improvement over time; ensures public transparency; provides some flexibility to facilities to meet regulation requirements; affects over 100 facilities throughout the Bay Area; and will require the performance of health risk assessments (HRA) by Air District staff. Facilities above the risk action level would have to develop a risk reduction plan and a schedule to achieve risk reduction. Air District staff proposed Rule 13-
1 to address legal concerns with Rule 12-16. Rule 13-1 complements State climate efforts; allows production increases; requires refineries to implement energy efficiency projects; and is consistent with Air District authority. Rule 13-1 sets a carbon intensity level; accounts for all GHGs generated in association with the refining process; and provides an annual GHG mass emission limit as an alternative to the carbon intensity requirement. Rule 12-16 will be presented to the Board of Directors on May 31, 2017. Rule 11-18 will be presented to the Board in September 2017. A Rule 13-1 hearing packet will be published in the summer/fall of 2017 with a Board hearing scheduled in the fourth quarter of 2017.

The following persons spoke: Brian Beall and Shoshana Wechsler
A summary of comments is as follows: appreciation for the presentation and Council Member questions; concern about the Draft Environmental Impact Report for Rule 12-16; a request for the health risk assessment to be separate from Rule 11-18.

A summary of Council comments is as follows: processing of Canadian tar sands at Bay Area refineries; amount of refinery output utilized in California; State Air Resources Board letter regarding Rule 12-16 and the Air District's authority; passage of either Rule 12-16 or Rule 13-1; creating a hybrid rules of Rules 12-16 and 13-1; the effect of Rule 12-16 on local air quality; an explanation of the alternative cap procedure; implementing Rule 12-16 would have no immediate effect because the cap has not been reached; the effect of processing light, sweet crude oil on production; Air District presentations to city councils; litigation of existing and proposed rules; regulations do not address safety issues; the Bay Area Air Quality Management Board requested the development of Rule 12-16; no public comment against Rule 12-16; City Council support of Rule 12-16 will not prevent any other good work but will demonstrate support for caps on emissions; support for not eliminating the approach in Rule 12-16; the Air District is responsible for working out the legality of the policy; support for Council Member Nason's letter with the incorporation of provisions from other rules to strengthen requirements; Council Member Barnes' letter supports the Air District's judgment in adopting maximally effective requirements; Rule 12-16 does not address toxic air contaminants; a suggestion to change "we believe it can advance these ends" to "we believe it can advance the need to reduce greenhouse gas emissions" and change "including but not limited to that of Rule 13-1" to "including but not limited to that of Rules 11-18 and 13-1" in Council Member Nason's letter; Rules 12-16 and 13-1 are not complementary; the Air Resources Board letter supports using all the different approaches or at least considering all of them.

**MOTION:**
Moved by Vice Mayor Pilch, seconded by Council Member Maass, to accept Council Member Nason's letter supporting Rule 12-16 with amendments of "including but not limited to that of Rule 11-18 and Rule 13-1" in the fourth
paragraph and adding a sentence stating essentially that the City expects the Air District to perform due diligence and develop the best of the approaches.

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

Motion carried and so ordered.

10. NEW BUSINESS

10-1. Resolution No. 2017-37 Authorizing the City Manager to Enter into an Agreement with the Kensington Police Protection and Community Services District for the Provision of Public Safety Dispatch and Records Management Services

Staff recommendation: that the Council adopt Resolution No. 2017-37 authorizing the City Manager to enter an agreement with the KPPCSD to provide public safety dispatch and records management services to the KPPCSD for a period of three (3) years commencing once Albany has the technology and infrastructure in place and begins providing the police dispatch and records services, which staff estimates will be July 1, 2017.

Police Chief McQuiston presented the staff report. The Kensington Police Protection and Community Services District (KPPCSD) approached the City about providing dispatch services. On February 6, 2017, the City Council authorized the City Manager to negotiate with KPPCSD. Under the terms of the proposed agreement, the Albany Police Department Communications Center will serve as a public safety dispatch center and records management service provider for the Kensington Police Department for three years. Albany dispatch personnel will provide processing of 911 and non-emergency calls for service to Kensington, routine and emergency radio dispatch for Kensington police officers, and limited records management services. Staff projects short-term, negligible impacts to services and no measurable long-term negative impacts on public safety dispatch services. Staff plans to add one dispatcher position, which will be funded through one of the fees paid by KPPCSD. KPPCSD will prepay compensation to the City of Albany at the beginning of the fiscal year. KPPCSD will pay three annual fees: a PSAP and Police Radio Dispatch Services Fee of $80,000, a Records Management Services Fee of $5,000, and a Technology Services Fee of $12,000. The total annual fee will be $97,000. Prorating the PSAP and Police Radio Dispatch Services Fee for the first year only will result in a total annual fee of $70,333 for the first year. The agreement should allow for increases in public safety efficiency and service levels.

The following person spoke: Brian Beall.
A summary of comments is as follows: appreciation for the economy of scale of this proposal.

A summary of Council comments is as follows: the amount KPPCSD is currently paying; quality of police radio reception in Kensington Hills; competitors for the
KPPCSD contract; the future of Kensington's police force; changes to physical facilities to accommodate this contract; review of potential liability and the indemnity clause; a suggestion for the Bay Cities JPA to review the contract; support for the contract being revenue neutral.

**MOTION:**
Moved by Council Member Barnes, seconded by Council Member Maass, to adopt Resolution 2017-37.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: None
Motion carried and so ordered.

11. **OTHER BUSINESS, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS**
Mayor McQuaid announced the meeting regarding beach and trail projects and the next Council meeting on June 5.

Council Member Nason stated issues presented by activists at Council meetings should be addressed as a general policy approach.

11-1. Upcoming City Events
Local Garden Swap – Every Tuesday, 6:30 PM, Community Center Patio
Bike About Town - Bikes on Solano (1554 Solano Avenue), Friday, May 19, 6:30 PM
Albany Police Activities League (APAL) Bicycle Rodeo – Cornell School, Saturday, May 20, 10 AM
Friends of Albany Parks Gala & Community Discussion: Memorial Park, Wednesday, May 24, 6:30 PM
@theCenter: Bike-in Movie Night – Community Center, Friday, May 26, 6:30 PM

11-2. Upcoming City Meetings
East Bay Regional Park District Beach/Trail Projects Meeting, Tuesday, May 16, 6:30 – 7:30, City Hall Council Chambers
Library Board Meeting, Tuesday, May 16, 7:00 PM, Edith Stone Room, Albany Library
Community Media Access Committee, Monday, May 22, 6:00 PM, City Hall Council Chamber
Charter Review Committee, Monday, May 22, 7:30 PM, City Hall Conference Room
Planning & Zoning Commission, Wednesday, May 24, 7:00 PM, City Hall Council Chamber

12. **ADJOURNMENT**

9:23 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