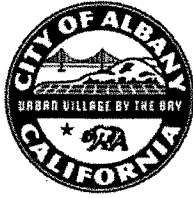


Date Approved: February 1, 2016



CITY OF ALBANY
MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, JANUARY 19, 2016

6:30 p.m.

CLOSED SESSION

CALL TO ORDER

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chambers and then adjourns to Closed Session to discuss the following items:

- 1) Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54969(d)(3) -- One potential case arising out of the Albany Hill Cross

The following people spoke: Bryan Marten; Larry Hicok.

A summary of comments is as follows: expressed concern with the safety of the cross on Albany Hill, including the winds impacting the electrical wire, a request for action on this item was made two months ago, the cross should be moved off of public land; raised concern with lack of inspections on the safety of the cross by the City, raised concern with the lighting of the cross, the presence of the cross on city land is a violation of the Establishment Clause.

ADJOURNMENT

7:30 p.m.

CALL TO ORDER

Mayor Maass called the meeting to order at 7:30 pm.

1. PLEDGE OF ALLEGIANCE

Mayor Maass led the Pledge of Allegiance to the Flag.

2. ROLL CALL

Present: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass
Absent: Council Member Barnes

Mayor Maass announced that the Council would be adjourning in memory of Ruth Ganong.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

Mayor Maass reported that the Council gave direction to staff.

4. CONSENT CALENDAR

4-1. Minutes, December 15, 2016; December 21, 2016

Staff recommendation: Approve

4-2. Ratification of Payroll – City of Albany

a) Payroll Period: 12/24/2015; Net Payroll: \$237,6221.49; Taxes, Benefits, Withholdings: \$143,264.23 Total: \$380,885.72

b) Payroll Period: 1/8/2016; Net Payroll: \$227,771.23; Taxes, Benefits, Withholdings: \$140,501.93 Total: \$368,273.16

Staff recommendation: Ratify

4-3. Ratification of Payroll – Albany Municipal Services JPA

a) Payroll Period: 12/24/2015; Net Payroll: \$61,717.88; Taxes, Benefits, Withholdings: \$29,644.46 Total: \$91,362.34

b) Payroll Period: 1/8/2016; Net Payroll: \$61,103.58; Taxes, Benefits, Withholdings: \$27,772.20 Total: \$88,875.78

Staff recommendation: Ratify

4-4. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of: \$103,269.76 (12/11/15); \$77,044.18 (12/18/15); \$214,733.43 (12/23/15)

Staff recommendation: Ratify

4-5. Ratification of Police & Fire Pension Plan payments in the amount of \$110,994.38 for the month of December, 2015.

Staff recommendation: Ratify.

- 4-6.** Resolution No. 2016-4 to Authorize Submittal of Application to CalRecycle for Payment Programs and Related Authorizations

Staff recommendation: that the Council adopt Resolution No. 2016-4, authorizing staff to submit an application to CalRecycle for any and all payment programs offered and authorizing the Sustainability Coordinator or his/her designee as Signature Authority to execute all documents necessary to implement and secure payment

- 4-7.** Resolution No. 2016-2, Authorizing Execution of a Memorandum of Agreement with Alameda County for Participation in the Alameda County Unified Mass Notification System

Staff recommendation: that the Council adopt Resolution No. 2016-2, authorizing the City Manager to execute a Memorandum of Agreement between the City and the County of Alameda regarding participation in the Alameda County Mass Notification System

- 4-8.** Gift to the City: Approval for Waterfront Signage Replacement by Friends of Five Creeks and Albany Community Foundation

Staff recommendation: that the Council adopt Resolution No. 2016-1, accepting a gift to the City from Friends of Five Creeks and the Albany Community Foundation for replacement of interpretive signage along the Albany portion of the Bay Trail with the provision that the City will be responsible for installation

- 4-9.** Appointment of David Glasser to the Board of Police and Fire Pension Fund Commissioners as the City Clerk's Alternate to the Board

Staff recommendation: that the Council appoint David Glasser as the City Clerk's Alternate to the Board of Police and Fire Pension Fund Commissioners

- 4-10.** Updated Salary Schedules for City Employees

Staff recommendation: that the Council adopt Resolution No. 2016-8 – A Resolution of the Albany City Council approving the updated salary schedules for members of the City's unrepresented staff

Mayor Maass asked if anyone would like to remove an item. Item 4-7 and 4-8 were pulled from the Consent Calendar.

4-7: Mayor Maass asked about the capabilities of the alert system, the ability of staff to utilize the system, and the coordination with neighboring cities. Fire Chief Lance Calkins reported that staff will be able to utilize the alert system and send out customized messages within the City and also the capability to send

out a message countywide; however a countywide message is unlikely to be sent by the City as the primary use will be for local emergency alerts. The alert system also has the capability to send notification regarding non-emergency events as well.

4-8: Vice Mayor McQuaid noted that she is a member of the Albany Community Foundation. Council Member Pilch expressed appreciation to the Friends of Five Creeks and the Albany Community Foundation for the gift.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Nason to approve the Consent Calendar as submitted.

AYES: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass.

NOES: none.

Absent: Council Member Barnes

Motion carried and so ordered.

5. PRESENTATION

5-1. Berkeley Mental Health Presentation by Steven Grolnic-McClurg, Mental Health Manager

Community and Human Services Manager Isabelle Leduc introduced Bart Grossman from the Social & Economic Justice Commission, and also appointee to the Berkeley/Albany Mental Health Commission who introduced the item including the findings of the recent human services survey conducted by the Social & Economic Justice Commission.

Steven Grolnic-McClurg, Mental Health Manager presented to the Council. Berkeley Mental Health provides services to residents of Berkeley and Albany in addition to services provided by Alameda County. Currently Albany residents represent 2% of the total percentage of people served by Berkeley Mental Health.

The following people spoke: Allan Maris

A summary of comments is as follows: staff researched Berkeley Mental Health services to Albany residents years ago and found that service levels were low.

6. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

The following people spoke: Larry Hicok; Bryan Marten; Allan Maris; Roy Torkington; Joan Larson.

A summary of comments is as follows: raised concern with the safety of the cross on Albany Hill, both the structural safety and the safety of the electrical connection, that the structure is not permitted, and the safety of the cross is a liability to the City, the presence of the cross on city land is a violation of the Establishment Clause, requested the cross be removed from public land; the cross

goes against the defined purpose of the Lion's Club; announced the Lion's Club Crab Feed Friday, January 22nd at the Veterans Memorial, announced the Chocolate and Champagne Gala hosted by the Albany Education Foundation and the Albany Community Foundation on February 6th; requested information regarding why there are no permits or inspection records regarding the cross on Albany Hill; expressed appreciation to City Manager Penelope Leach for providing the informative letter regarding the Adams Street Sewer Project and issues with the project, the upcoming paving project on Adams Street needs to be analyzed further before construction as two cars have flipped on the block, announced that the Albany Historical Society will be having a meeting to recognize Albany Veterans.

7. PUBLIC HEARING

8. UNFINISHED BUSINESS

8-1. Resolution No. 2016-5 Approving Documents for Completing the Design, Construction and Financing of the Public Works Service Center

Staff recommendation: that the Council adopt the following Resolutions:

1. Resolution No. 2016-5 approving and authorizing execution of the following documents for project financing:
 - a) **Site Lease Agreement** between the City of Albany and C. Overaa & Company to allow Overaa site access to the City's parcel at 540 Cleveland for the construction of the new Service Center;
 - b) **Design-Build Contract** between the City and Overaa & Company for the completion of the design and the construction of the Service Center; and,
 - c) **Lease Purchase Agreement** between the City and a limited liability company (LLC) formed and controlled by the California Foundation for Public Facilities that will acquire the completed Service Center and the site lease from Overaa, and then lease back the site and building to the City for operations of the Public Works Department, currently located at 544 and 548 Cleveland Avenue.
2. Resolution No. 2016-7 approving the design build construction contract with C. Overaa and Company

Project Consultant Patrick O'Keefe delivered the staff report. O'Keefe provided an overview of the project history including purchase of the property, facility design, and the more recent work to prepare the contract and financing documents. The Planning & Zoning Commission approved the project design in March 2015 to allow a 14,200 square foot building. The City will utilize \$1

Million in reserves, with the remaining amount of \$6 Million financed, with an opportunity to confirm the financing now at the rate of 3.9%. The prepared amortization schedule for the lease rate is for a 30 year period, the actual loan amount is for a 20 year period of time. In 20 years the City will likely need to refinance. OKeefe explained the process for the Limited Liability Company formed and controlled by the California Foundation for public facilities, the construction phase with Overaa, and the lease and financing process.

City Manager Leach noted the project contribution to the public art fund is \$30,000, and the Arts Commission will be reviewing opportunities for public art. Steve Taber from Myers Nave provided additional detail regarding the LLC. California Foundation for public facilities is a nonprofit controlled by the Municipal Finance Authority. The LLC will be controlled by California Foundation for public facilities and as a nonprofit the financing is tax exempt. The following people spoke: Brian Beall

A summary of comments is as follows: expressed support for the fixed financing option.

A summary of Council comments is as follows: expressed support for the project design that includes covered bike parking and that inverted "U" racks should be utilized; asked that the design of the building remain as is currently included in the plans.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Nason to adopt Resolution No. 2016-5 approving and authorizing execution of the following documents for project financing:

- a) Site Lease Agreement between the City of Albany and C. Overaa & Company to allow Overaa site access to the City's parcel at 540 Cleveland for the construction of the new Service Center;
- b) Design-Build Contract between the City and Overaa & Company for the completion of the design and the construction of the Service Center; and,
- c) Lease Purchase Agreement between the City and a limited liability company (LLC) formed and controlled by the California Foundation for Public Facilities that will acquire the completed Service Center and the site lease from Overaa, and then lease back the site and building to the City for operations of the Public Works Department, currently located at 544 and 548 Cleveland Avenue, at a fixed interest rate of 3.9%.

AYES: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass.

NOES: none.

Absent: Council Member Barnes

Motion carried and so ordered.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Nason to adopt Resolution No. 2016-7 approving the design build construction contract with C. Overaa and Company

AYES: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass.

NOES: none.

Absent: Council Member Barnes

Motion carried and so ordered.

8-2. Revisions by the Arts Committee to the Public Arts Master Plan

Staff recommendation: that the Council adopt Resolution No. 2016-3, revisions by the Arts Committee to the Public Arts Master Plan to provide a complete statement of the workflow, categories, and selection process related to the development of public art in Albany and to include a new Sculpture Loan Program in the Programs section of the Public Arts Master Plan

Community and Human Services Manager Isabelle Leduc delivered the staff report. Leduc introduced Arts Committee Chair Peter Goodman and Arts Committee Member Jen Daley. The Council adopted the Art in Public Places Ordinance in February 2008, including a 1.75% public arts fee on certain development projects. Public Art Consultants were retained to prepare a Public Art Master Plan with the Arts Committee. The Master Plan was adopted in July 2010.

In 2015 the Arts Committee identified additional information needed in the Public Arts Master Plan. The committee drafted Appendix D “Additional Procedures for Acceptance and Approval of Public Art Projects” and presented the revisions for inclusion in the Public Arts Master Plan at the February 2, 2015 Council meeting. Council referred the matter back to the Arts Committee for further work and suggested adding guidelines or establishing tiers for projects, clarification on when a jury is needed and the assistance of public art experts is needed.

The Arts Committee has added detail to the Master Plan to define the process by which city-owned and community projects will be developed through the Arts Committee’s new 2-year Public Art Projects Plan (PAPP). PAPPs will require Council approval. The Committee has also added procedures for a sculpture loan program, and revised the “Public Art Process – Flow Chart Narrative” of the Master Plan to provide a complete statement of the workflow, categories, and selection process related to the development of public art in Albany.

A summary of Council comments is as follows: asked that if a location on public property is offered to artists it should be disseminated so that a range of proposals can be received and reviewed to ensure the proposed art is suitable for the site, an agreement should be made with artists that the City has the ability to retire artwork when necessary.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Pilch to adopt Resolution No. 2016-3, revisions by the Arts Committee to the Public Arts Master Plan to provide a complete statement of the workflow, categories, and selection process related to the development of public art in Albany and to include a new Sculpture Loan Program in the Programs section of the Public Arts Master Plan.

AYES: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass.

NOES: none.

Absent: Council Member Barnes

Motion carried and so ordered.

- 8-3.** Resolution authorizing the issuance of Refunding Bonds for the purpose of refinancing, certain outstanding bonds issued in 2004 to finance improvements to the City's wastewater system

Staff recommendation: that the Council adopt Resolution No. 2016-6, authorizing the issuance of the Refunding Bonds and authorizing certain other actions in relating thereto

Finance Director David Glasser delivered the staff report. Based on current market conditions the City has the opportunity to refinance the 2004 Sewer Revenue Bonds. In September 2004 the City of Albany issued \$8,675,000 of 20-year sewer revenue bonds to finance sewer system capital improvements and to refinance certain debt obligations. Debt service on the 2004 bonds is paid from annual assessments that are levied on each property-owner's tax bill. Currently, \$4,675,000 of the 2004 bonds remain outstanding. At the December 21, 2015 Council meeting, staff was directed to explore further the viability of refunding the 2004 Bonds and, if viable, return to request authorization to proceed.

Staff solicited a proposal from JP Morgan Chase Bank (JPMC) to purchase the proposed Refunding Bonds via a direct private placement. In their proposal, JPMC offered to purchase the proposed Refunding Bonds at an indicative interest rate of 2.17%.

A summary of Council comments is as follows: expressed support for the savings to Albany residents.

MOTION:

Moved by Council Member Nason, seconded by Council Member Pilch to adopt Resolution No. 2016-6, authorizing the issuance of the Refunding Bonds and authorizing certain other actions in relating thereto.

AYES: Council Members Nason, Pilch, Vice Mayor McQuaid, Mayor Maass.

NOES: none.

Absent: Council Member Barnes

Motion carried and so ordered.

9. NEW BUSINESS**9-1. 2016 Review of Advisory Bodies**

Staff recommendation: that the Council receive information regarding the current status of the City's Advisory Bodies, and allow future reviews of advisory bodies to be conducted on an as needed basis

City Manager Leach delivered the staff report. Currently the City's advisory bodies are working effectively and no changes are recommended by staff. The Social & Economic Justice Commission now meets monthly and is working on their priority projects. Staff is working with the Charter Review Committee regarding a possible Charter amendment to dissolve the Civil Service Board, and staff is also researching the Pension Board. Staff recommends additional reviews of advisory bodies be conducted on an as needed basis.

A summary of Council comments is as follows: agreed that future review of advisory bodies should be conducted on an as-needed basis; encouraged existing vacancies on advisory bodies be filled.

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

Council Member Pilch reported that three Council Members attended the Mayors Conference, and he will be attending the League Environmental Committee Meeting this week. Council Member McQuaid reported that she will be attending the League Community Services Policy Committee Meeting and Congresswoman Barbara Lee will be holding a town hall on gun violence.

10-1. Upcoming City Events

Cornhole Night – Friday, January 29, 7-9 PM, Albany Community Center

10-2. Upcoming City Meetings

Sustainability Committee, Wednesday, January 20, 7:30 PM, City Hall Council Chambers

Community Media Access Committee, Monday, January 25, 6 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesday, January 27, 7 PM, City Hall Council Chambers

Traffic & Safety Commission, Thursday, January 28, 7 PM, City Hall Council Chambers

11. ADJOURNMENT

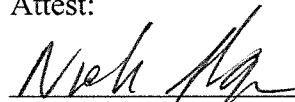
9:37 p.m. Mayor Maass recognized the passing of Albany resident Ruth Ganong. Vice Mayor McQuaid and Council Member Nason recognized Ruth Ganong's service to the City and community as a role model and leader. A memorial service will be held on April 3rd at the Veteran's Building. Mayor Maass adjourned the meeting with a moment of silence.

Minutes submitted by Nicole Almaguer, City Clerk.



Peter Maass
Mayor

Attest:



Nicole Almaguer, City Clerk