



CITY OF ALBANY

**MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TUESDAY, FEBRUARY 21, 2017**

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
2. Conference with legal counsel to discuss existing litigation under Government Code Section 54956.9(d)(1), Williams v. City of Albany, Alameda County Superior Court Case No. RG15772673

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

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
Mayor McQuaid reported the Council gave staff direction on how to proceed.
2. Conference with legal counsel to discuss existing litigation under Government
Code Section 54956.9(d)(1), Williams v. City of Albany, Alameda County
Superior Court Case No. RG15772673.

City Attorney Labadie reported that the Council unanimously approved settlement in the amount of \$137,500, of which the City would pay \$35,000 and the City's risk management insurance authority would pay the remainder.

4. CONSENT CALENDAR

- 4-1. Minutes, February 6, 2017
Staff recommendation: Approve
- 4-2. Ratification of Payroll – City of Albany
Payroll Period: 2/3/17; Net Payroll: \$286,257.73; Taxes, Benefits, Withholdings:
\$317,412.45; Total: \$603,670.18
Staff recommendation: Ratify
- 4-3. East Bay Regional Communications System Authority Letter Concerning
Proposed annual cost charges by East Bay Municipal Utility District
Mayor McQuaid recommendation: that the Council approve sending a letter as a
member agency of the East Bay Regional Communications System Authority
concerning the annual cost charges proposed by East Bay Municipal Utility
District.
- 4-4. Alameda County Mayors Conference Resolution 01-17: Condemning Violence
and Hate Speech, Expressing Solidarity with all those Targeted for their Ethnicity,
Race, Religion, Sexual Orientation, Gender, Ability or National Origin and in
Support of Immigrants and Refugees
Mayor McQuaid recommendation: note and file
- 4-5. Ordinance No. 2017-01, Amending Chapter XVII, Public Health, Smoking
Pollution Control of the Albany Municipal Code – Second Reading
Staff recommendation: that the Council adopt Ordinance No. 2017-01, Amending
Chapter XVII, Public Health, Smoking Pollution Control of the Albany Municipal
Code.

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Nason inquired regarding item 4-3 to determine whether any representative of the City had directly contacted the City's representative to the East Bay Municipal Utility District.

Police Chief McQuiston reported that he did not believe a representative of the City had directly contacted the City's representative to the East Bay Municipal Utility District.

Mayor McQuaid noted that Mayor Cutter of San Leandro, as the Mayors Conference representative on the Board, recommended the Mayors send the letter to the Board.

The following person spoke: Brian Beall.

A summary of comments is as follows: asked for more information about the Smoking Ordinance updates.

City Manager Crumpley advised that the ordinance further restricts where people can smoke in multiunit buildings and also includes a definition for vaping.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor Pilch, to approve the Consent Calendar.

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

5-1. Council Member Maass Report– February 2017

Vice Mayor Pilch reported that he attended the second meeting of the East Bay Community Energy (EBCE) Board of Directors. The plan likely would not be implemented until spring 2018.

6. PRESENTATION

6-1. Current City Practices and Policies Concerning the Enforcement of Immigration Violations and the Investigation of Hate Incidents

Police Chief McQuiston provided a presentation regarding current City practices and policies concerning the enforcement of immigration violations and the investigation of hate incidents. Albany Police Department (APD) made a public statement and posted policies on hate crime and immigration violations on the

City's website. APD uses the services of Lexipol to develop policies. APD's policies meet or exceed the provisions of California law. Officers receive training in identifying and investigating incidents and crimes that may be motivated by hatred or other bias. Per APD policy, APD is prohibited from contacting, detaining, or arresting someone based solely on the suspicion that an individual is an undocumented alien. APD policies reflect the language used in State law. Under current policy, if Immigration and Customs Enforcement (ICE) or any other federal agency made a specific request for assistance, APD would provide available support services such as traffic control or peacekeeping efforts. This is similar to any other agency request for assistance by APD.

Changes to current policy language are being considered regarding the requirement that APD shall provide notification to ICE when a felony arrest is made. City prisoners are housed in Alameda County as administered by the Alameda County Sheriff's Office. Detention of an individual by a member of APD should be based upon the reasonable belief that the individual was involved in criminal activity. Police training and professional development includes procedural justice, fair and impartial policing, and crisis intervention. APD utilizes modern policing and is committed to a philosophy of community-oriented policing.

Mayor McQuaid advised that sanctuary city status was not an agenda item but would likely be on a future agenda. She and City Manager Crumpley will be attending a conference on sanctuary city status.

The following people spoke: Bruce Fukuji, Bonnie Wolf, Hanako Asakura, Rev. Kristin Grassel-Schmidt, Letitia Berlin, Brian Beall, Kathy Rai, Oz Ayduk, Brigid Acuna, Marie Hopper, Bonnie Simms, Teri Hudson, and Frederick Simms.

A summary of comments is as follows: appreciation for the Police Chief's statement regarding policing strategies and concurrence with updating the Police Department manual as soon as possible; support for the Police Department's policies; suggested revisions to Section 428.3.7; support for the poor and oppressed; a request to agendize sanctuary city status soon; the effect of Alameda County Sheriff's Department policies on Albany Police Department's policies; a request for guidelines for community members removing graffiti; support for no APD cooperation with ICE; and a suggestion for APD to work with the Albany Unified School District to ensure schools have a safe and secure atmosphere.

Police Chief McQuiston stated the Alameda County Sheriff Department's policy was not to honor ICE detainees, which aligned with APD policies. From November 2014 to November 2016, no hate crimes were reported. APD is working on a process to temporarily cover graffiti until Public Works crews can remove it.

A summary of Council comments is as follows: interest in amending policies; interpretation of immigration law provided flexibility in policies, whether sanctuary state status would apply to all municipalities in the state; tracking of hate crime incidents; the Federal government arbitrarily withholding funds is not legal; no formal legal definition of sanctuary city; interest in the Social and Economic Justice Commission studying policies and sanctuary city status; Alameda County obtained a grant to help create a network for rapid defense and assistance to families that are threatened; request for ongoing updates on Federal policy changes.

7. GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS

Mayor McQuaid opened the Good of the City.

The following person spoke: Brian Beall.

A summary of comments is as follows: announced the Albany Democratic Club meeting scheduled for Tuesday evening.

8. PUBLIC HEARING

9. UNFINISHED BUSINESS

9.1 Fiscal Year '17/'18 and '18/'19 City Council Strategic Plan

Staff recommendation: that the Council approve the Fiscal Year '17/'18-'18/'19 City Council Strategic Plan.

City Manager Crumpley advised that the Strategic Plan now included fiscal years in which projects would occur, advisory body responsibilities, and substantive changes requested at the Council's last review.

The following people spoke: Preston Jordan.

A summary of comments is as follows: support for strong requirements to retrofitting soft stories, include existing tax measures in Section 2.1 B; change the voting method for City Council and School Board; and include planning of the next phases of Pierce Street Park construction.

A summary of Council comments is as follows: add "investigate potential sanctuary city policies and programs" in Item 2.2 A.2; the Strategic Plan included Mr. Jordan's comments with the exception of the voting method; the City had no funds or capacity to add anything for Pierce Street Park, and Phase I construction of Pierce Street Park would begin in March and finish by the end of summer.

MOTION:

Moved by Council Member Nason, seconded by Council Member Barnes, to approve the Strategic Plan with the inclusion of the consideration of a sanctuary city language.

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

NOES: none

Motion carried and so ordered.

10. NEW BUSINESS

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

Mayor McQuaid reported that she attended the Town Hall meeting on the Affordable Care Act, the EveryOne Home Leadership Board retreat, the Mayor's Conference with Vice Mayor Pilch; and the School District's Black History event. Albany Reads events are scheduled for March 6. The next City Council meeting is scheduled for March 6.

Council Member Nason noted plans for waterfront cleanup events on March 4 and 5.

11-1. Upcoming City Events

@theCenter: Paint, Pints and Pinots, Friday, February 24, 7 P.M., Community Center

11-2. Upcoming City Meetings

Planning & Zoning Commission: Wednesday, February 22, 7 P.M., City Hall Council Chambers


Traffic & Safety Commission: Thursday, February 23, 7 P.M., City Hall Council Chambers

Community Media Access Committee: Monday, February 27, 6 P.M., City Hall Council Chambers

12. ADJOURNMENT

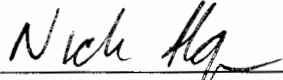
9:26 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting.

Minutes submitted by Nicole Almaguer, City Clerk.


Peggy McQuaid

Mayor .

Attest:



Nicole Almaguer, City Clerk