

Date Approved June 18, 2018



CITY OF ALBANY
REVISED
MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MAY 7, 2018

6:00 p.m.

STUDY SESSION: RENT REVIEW ORDINANCE

The Council will hold a study session to review the draft Rent Review Ordinance.

Staff recommendation: that the Council:

- a) Receive an update from staff regarding changes made to draft Ordinance No. 2018-02 based on Council direction from the April 2, 2018 first reading of the ordinance;
- b) Conduct a study session to receive additional input regarding the proposed ordinance; and
- c) Provide direction to staff regarding any next steps associated with the draft ordinance.

City Manager Nicole Almaguer presented the staff report. Staff incorporated changes directed by the Council into the draft ordinance before the Council. The purpose of the study session is to obtain additional public input. Staff revised the draft ordinance to clarify a number of definitions; set the rent review trigger at 5%; clarify good cause with respect to mediation; and to add an application fee for tenants requesting rent review.

Assistant City Manager Isabelle Leduc reported during the implementation period staff will recruit staff; retain conciliation and mediation services; implement an outreach strategy.

The following persons spoke: Margie Marks, Leah Burrell, Kathy Diehl, Sam Sorokin, Elaine Stelton, Edgar Crowley, Jane Lundeen, Judy Li, Peter Campbell, Kevin Steed, Barbara Brunetti, Maggie, Rita Smith, Francesco Papalia, Nancy Roberts, Richard Chin, Brad Lew, Shane Yang, Joe Matera.

A summary of the comments is as follows: the Social and Economic Justice Commission (SEJC) recommends some protection for renters during the 150-day period, referral of just cause to the SEJC, and a lower trigger; reduce the 150-day period and add just cause; clarify the language regarding notification of rent review availability and add condition of the property as a factor considered in mediation; Albany Property Rights Advocates

(APRA) recommends a trial voluntary program; a rent subsidy program would better serve residents; utilize a dollar amount for the trigger and start with a higher trigger; increase the trigger amount; APRA suggests the use of a professional, experienced mediator and a tenant fee high enough to prevent frivolous requests; implement a voluntary program until all residents and property owners are aware of the program and its requirements; a Rent Review Program will not ease the housing crisis; opposition to a Rent Review Program; a limit on rent increases will prevent landlords from making improvements to rental property.

A summary of Council comments is as follows: the possibility of hiring a contractor rather than a staff person; a suggestion to add a "whereas" for the current workshop and to move Section 5.25.4(G) to become Section 5.25.4(E)(5) in the draft ordinance; a Rent Review Program will provide information about Albany rents and rent increases; support for tenants to pay a fee to request review; a rental subsidy program could have merit; support for a different means to encourage participation in mediation given the City Attorney's information about litigation; support for a 7% trigger; a tenant can agree to a rent increase of any amount and not request rent review; the Rent Review Program cannot limit the amount of a rent increase; any provisions of the draft ordinance that could cause litigation should be discussed in closed session.

The Council directed staff to consult with outside counsel and schedule a closed session to discuss the ~~draft ordinance~~ **threat of litigation arising out of the Rent Review Ordinance.**

City Manager Almaguer reminded members of the public to register for email notification of future meetings regarding rent review.

7:30 p.m. - REGULAR MEETING

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE

Vice Chair Nason led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: none

3. CEREMONIAL MATTERS

3-1. Proclamation – Older Americans Month 2018

Vice Chair Nason presented the proclamation to Friends of Albany Seniors.

3-2. Affordable Housing Week Proclamation

Council Member Maas presented the proclamation to Jeff Levin of East Bay Housing Organizations.

3-3. Mayor's Statement – Murder of Raphael Fuentes-Lee

Mayor McQuaid read the following statement:

The violence that our community experienced a week ago Sunday was deeply disturbing. On behalf of the City of Albany, I want to express my sincere condolences to the family and friends of Raphael Fuentes-Lee as they cope with this tragedy.

The sense of safety and wellbeing of our community is extremely important to me as Mayor and to all of the City Council Members. I was in daily contact with the Chief of Police to receive updates on the status of the investigation, and I was pleased to hear when the arrests were made.

I want to express my thanks to the members of the public who assisted the Police Department in quickly identifying the people allegedly responsible for this crime. I also wish to thank the Albany Police Department for their tireless and professional work to apprehend the suspects.

I realize that some people are frightened and concerned about the safety of their families. A member of our community was murdered in broad daylight in one of our parks. It is unacceptable, and we must all do everything we can to cultivate a safe, caring community environment for Albany. Please keep Raphael Fuentes-Lee and his family in your thoughts as we grieve the loss of one of our community members.

There are still a lot of unanswered questions about what actually happened. If anyone has any further information, please contact the Albany Police Department at (510) 525-7300.

4. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**5. CONSENT CALENDAR****5-1. Minutes, April 16, 2018**

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 4/27/2018; Net Payroll: \$301,620.24; Taxes, Benefits, Withholdings: \$305,286.07; Total: \$606,906.31

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: \$169,388.21 (3/30/2018); \$656,449.23 (4/6/2018); \$411,419.77 (4/13/2018); \$571,190.68 (4/20/2018); \$59,185.15 (4/27/2018)

Staff recommendation: Ratify

- 5-4. Council Member Barnes appointed Sunny Sun to the Community Media Access Committee
Staff recommendation: Informational
- 5-5. Ratification of Police and Fire Pension Board Payments: February 2018 - \$108,321.67; March 2018 - \$108,321.67; April 2018 - \$108,321.67
Staff recommendation: Ratify
- 5-6. Appointment of Isabelle Leduc 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 Isabelle Leduc as the City Clerk's Alternate to the Board of Police and Fire Pension Fund Commissioners
- 5-7. National Bicycle Month Proclamation
Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of National Bicycle Month
- 5-8. Mental Health Month Proclamation
Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of Mental Health Month
- 5-9. National Police Week and Peace Officers' Memorial Day Proclamation
Staff recommendation: that the Council adopt the proclamation in honor of National Police Week and Peace Officers' Memorial Day
- 5-10. Albany Police Reserve Officer Sergeant George Krebs' 35 Years of Volunteer Service Proclamation
Staff recommendation: that the Council adopt the proclamation in honor of Sergeant George Krebs' 35 Years of Service as an Albany Police Reserve Officer
- 5-11. Letters of Opposition – Agriculture and Nutrition Act of 2018 (HR 2)
Mayor McQuaid recommendation: that the Council authorize submittal of letters of opposition to the Agriculture and Nutrition Act of 2018 (HR 2)
- 5-12. Letter of Support – State Budget Funding to Protect Our Communities from Natural Disasters
Mayor McQuaid recommendation: that the Council authorize submittal of a letter of support for the State Budget Funding to protect our communities from natural disasters
- 5-13. Wittman Ambulance Billing Contract
Staff recommendation: that the Council adopt Resolution No. 2018-56, authorizing the City Manager to execute a Professional Services Agreement with Wittman Enterprises, LLC for Emergency Medical Services billing services
- 5-14. CIP No. 66000 Public Works Fleet Replacement – Purchase of a 2018 Ford F-150

Staff recommendation: that the Council approve Resolution No. 2018-55, authorizing the City Manager to purchase a 2018 Ford F-150 pickup truck equipped with a 2.7L 6-cylinder EcoBoost engine from Downtown Ford in Sacramento for a not to exceed price of \$32,500

5-15. Authorization to Purchase Cloud-Based Network Server Disaster Recovery Service from Evolve IP and Waiver of Formal Bids

Staff recommendation: that the Council adopt Resolution No. 2018-57:

1. Authorizing waiver of formal bids; and,
2. Authorizing City Manager to enter in a three-year agreement with Evolve IP approving the purchase of Disaster Recovery Service from Evolve IP for an amount not to exceed \$189,000

5-16. Request for Waiver of Planning Application Fees for Love the Bulb Events on the Albany Bulb

Staff recommendation: that the Council authorize staff to waive planning application fees for Love the Bulb events on the Albany Bulb

5-17. Resolution No. 2018-54, Authorizing City Manager to Execute Professional Services Contract C18-53 with Parisi Transportation Consulting for Kains/Adams Pilot Project and Additional Transportation Planning Services

Staff recommendation: that the Council adopt Resolution No. 2018-54, authorizing the City Manager to execute a professional services contract with Parisi Transportation Consulting for completion of designs for the Kains/Adams bicycle route pilot and additional transportation planning, design, and engineering services as needed

5-18. Temporary Street Closure around Memorial Park for Play Like a Girl Event

Staff recommendation: that the Council authorize the closure of a one-block area of Portland Avenue between Ramona Avenue and Pomona Avenue in front of Memorial Park on May 20, 2018 from 9 AM–2 PM for the City's Play Like a Girl event and waive the \$142 Encroachment Permit Fee for this City-sponsored event

5-19. Medical Director Contract #C18-52

Staff recommendation: that the Council approve Resolution No. 2018-52, authorizing the City Manager to enter into an agreement with Kaiser Permanente to provide the services of Medical Director to the Albany Fire Department

5-20. Contract Agreements for Finance Department Interim Staffing Services

Staff recommendation: that the Council adopt Resolution No. 2018-59, authorizing the City Manager to enter into agreements with Management Advisory Services and MuniTemps for Interim Staffing Services within the City's Finance Department

5-21. Agreement for Legal Services on Employment Law Matters with the Law Firm of Liebert Cassidy Whitmore

Staff recommendation: that the Council adopt Resolution No. 2018-58, approving the proposed agreement for Legal Services on Employment Law Matters with the Law Firm of Liebert Cassidy Whitmore, Contract #C18-55

5-22. Memorandum of Understanding between the City of Albany and Albany Peace Officers' Association

Staff recommendation: that the Council adopt Resolution No. 2018-60 – a Resolution of the Albany City Council Approving the Memorandum of Understanding between the City of Albany and the Albany Peace Officers' Association

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Pilch pulled Items 5-1, 5-15, 5-16, and 5-18. Mayor McQuaid pulled Item 5-10.

Item 5-1: Council Member Pilch noted staff revised the minutes in response to his comments and provided copies at the dais.

Item 5-15: Council Member Pilch reported staff achieved greater cost savings than those stated in the staff report. Staff utilized a no-bid contract because of the stringent requirements for disaster recovery services provided to cities and fire and police departments.

Items 5-16 and 5-18: Community Development Director Jeff Bond reported City policy directs staff to present requests for waiver of fees to the Council. Fees are charged for each application submitted.

Item 5-10: Mayor McQuaid thanked Sergeant Krebs for 35 years of service to Albany.

The following persons spoke: Brian Beall, Allan Maris.

A summary of the comments is as follows: more discussion is needed for Item 5-15 as the contract amount appears high and it is a no-bid contract; appreciation for Sergeant Krebs' commitment and service to the community.

A summary of Council comments is as follows: commendation for Love the Bulb's tremendous events.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Pilch, to approve the Consent Calendar.

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

NOES: none

ABSENT: none

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: Jeremiah, Allan Maris.

A summary of the comments is as follows: support for union workers at Gill Tract Farm and school zones in Albany; hopes that the Council's affordable housing report will be available soon.

7. COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS**7-1. Council Member Maass Report**

Council Member Maass reported he attended meetings of the Alameda County Waste Management Authority/Energy Council/Recycling Board and the Alameda County Transportation Commission (ACTC). The Alameda County Waste Management Authority adopted positions on relevant legislation, reviewed its budget, and discussed separation of recyclable materials. ACTC discussed positions on legislation and the need for local jurisdictions to expend transportation funds. In response to Council Member Pilch's question regarding local markets for recyclable materials, Council Member Maass advised that the investment amount needed to start a recycling business is usually prohibitive. Paper is toxic to recycle; therefore, paper cannot be recycled in California.

Council Member Pilch reported he attended an East Bay Community Energy meeting, in which the Board directed staff to create a 100% renewable product. He, Vice Mayor Nason, and Mayor McQuaid attended the Police Department swearing-in ceremony.

Vice Mayor Nason reported she attended the Senior Resource Fair and was impressed with the level of participation.

Council Member Barnes reported he met with Planning Department staff to discuss housing opportunities.

Mayor McQuaid reported she attended the Community Leaders meeting, Coffee with a Cop, the Senior Resource Fair, the White Elephant Sale, the Everyone Home Leadership Board meeting, and the Chamber of Commerce mixer. Vice Mayor Nason and she attended the sea level rise event.

City Manager Almaguer reported May is Bike Month. Bike About Town is scheduled for May 18 at 6:30 p.m. The Play Like a Girl event on May 20 promotes girls' sports. Anyone can sign-up to receive the City's e-newsletter on the City's website.

Mayor McQuaid announced applications for the parcel tax exemption renter rebate must be postmarked by June 1. Congresswoman Barbara Lee will host a Town Hall on Monday, May 14, at the Community Center between 7:00 and 8:30 p.m.

8. PRESENTATION

8-1. Public Opinion Survey Presentation

Staff recommendation: that the Council receive a presentation regarding the results of the Public Opinion Survey conducted by Godbe Research regarding possible revenue measures for the November 2018 Election

City Manager Almaguer presented the staff report.

Brian Godbe, Godbe Research, reported the purpose of the survey was to gauge the importance of local issues and to assess voter support for a sales tax extension measure and a parcel tax measure to maintain park and open space facilities. Residents were contacted by landline, cell phone, text message, and email message. The survey was conducted between the end of March and the beginning of April.

Survey results demonstrate a solid base of support for a sales tax measure. Support for a parcel tax measure is slightly lower but achievable. Any public information or independent campaign should focus on both measures and the top tier projects and programs. Godbe Research recommends the City of Albany continue preparing a sales tax measure and a parcel tax measure for the November 2018 election.

City Manager Almaguer advised that the next action will be determining details of a parcel tax.

8-2. Emergency Operations Plan Adoption

Staff recommendation: that the Council adopt Resolution No. 2018-53 approving the 2018 Emergency Operations Plan and authorizing the City Manager to revise any Annexes, Appendices and/or Attachments to the Emergency Operations Plan

Fire Chief Lance Calkins presented the staff report. The 2018 Emergency Operations Plan (EOP) involves all departments in the City and citizens. The EOP will be updated as needed. The EOP defines the scope of preparedness and emergency management activities, assigns responsibilities, sets authorities, describes the protection of the populace, and identifies resources.

Brenna Howell, Howell Consulting, reported the events of 9/11 focused attention on emergency preparedness and operations. The EOP outlines responsibilities and actions during an emergency and during recovery and covers the entire emergency management cycle. The EOP coordinates with the County of Alameda's and the State's emergency plans. The Emergency Operations Center (EOC) Annex describes the coordination of information, resources, and personnel that occurs in

an EOC. The EOC's sharing of information with the public is important. Next steps are training, exercising, and planning for emergency situations.

Chief Calkins related a table-top exercise and a large-scale drill with subsequent review and analysis for potential modifications are planned in the next year.

The following person spoke: Brian Beall.

A summary of the comments is as follows: encouragement for members of the public to attend C.E.R.T. classes rather than viewing them online.

A summary of Council comments is as follows: encouragement for the public to review the United States Geological Survey's updated data regarding the Hayward Fault.

MOTION:

Moved by Council Member Maass, seconded by Council Member Pilch, to adopt Resolution No. 2018-53, approving the 2018 Emergency Operations Plan and authorizing the City Manager to revise any Annexes, Appendices and/or Attachments to the Emergency Operations Plan.

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

NOES: none

Motion carried and so ordered.

9. PUBLIC HEARING

9-1. Ordinance No. 2018-03, Amending Chapter II, Section 2-16 of the Albany Municipal Code – Emergency Organizations and Functions – First Reading

Staff recommendation: that the Council introduce for first reading Ordinance No. 2018-03, amending Chapter II, Section 2-16 of the Albany Municipal Code – Emergency Organizations and Functions

City Manager Almaguer presented the staff report. Sections 2-16 of the Municipal Code are dated and refer to a Disaster Policy Advisory Group, which does not fit in the current organizational framework for disaster preparedness. Staff added the importance of community engagement and references to the Emergency Operations Plan and deleted references to the Disaster Policy Advisory Group.

MOTION:

Moved by Vice Mayor Nason, seconded by Mayor McQuaid, to introduce for first reading Ordinance No. 2018-03, amending Chapter II, Section 2-16 of the Albany Municipal Code – Emergency Organizations and Functions.

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

NOES: none

Motion carried and so ordered.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

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

Council Member Pilch requested an item addressing the City's policy for waiver of fees.

12-1. Upcoming City Events

Bike About Town, May 18, 2018, 6:30 PM (meet at Bike on Solano)

Play Like A Girl – Memorial Park, May 20, 2018, 10 AM – 1 PM

12-2. Upcoming City Meetings

Planning & Zoning Commission, Wednesday, May 9, 7 PM, Council Chambers, City Hall

Parks & Recreation Commission, Thursday, May 10, 7 PM, Council Chambers, City Hall

Arts Committee, Monday, May 14, 7 PM, Council Chambers, City Hall

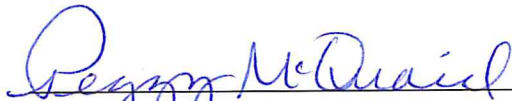
Sustainability Committee, Wednesday, May 16, 7:30 PM, Council Chambers, City Hall

City Council Meeting, Monday, May 21, 7:30 PM, Council Chambers, City Hall

13. ADJOURNMENT


9:11 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Mel Ayers, Susan Ford, Ray DeJong, Mel Boyd, and Rafael Fuentes-Lee.

Minutes submitted by Anne Hsu, City Clerk.



Peggy McQuaid
Mayor

Attest:



Anne Hsu, City Clerk