

Date Approved September 4, 2018



## CITY OF ALBANY

MINUTES OF THE  
ALBANY CITY COUNCIL  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE  
MONDAY, JULY 16, 2018

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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:

The following person spoke: Julio Corral.

A summary of comments is as follows: encouraged the Council to approve the pending wage increase.

1. Labor Negotiations pursuant to Government Code Section 59457.6.

Agency Negotiator: City Manager Nicole Almaguer and Charles Sakai,  
Sloan Sakai Yeung & Wong LLP

Employee Organization: SEIU

2. Conference with Legal Counsel to discuss Pending Litigation pursuant to Government Code Section 54956.9(d)(1).

Name of Case: Albany Lions Club v. City of Albany, et al. (United States District Court for the Northern District of California, Case No. CV-05236)

Note: the Council may reconvene to closed session following the regular City Council meeting regarding the above items.

### 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, Pilch, Vice Mayor Nason, Mayor McQuaid

Absent: None

**3. CEREMONIAL MATTERS**

**3-1. Certificate of Recognition – Jennifer Radics-Johnson**

Mayor McQuaid presented the certificate to Ms. Radics-Johnson.

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

Mayor McQuaid reported the Council gave direction to Staff.

**5. CONSENT CALENDAR**

**5-1. Minutes, July 2, 2018**

Staff recommendation: Approve

**5-2. Ratification of Payroll - Payroll Period: 7/6/2018; Net Payroll: \$300,281.31; Taxes, Benefits, Withholdings: \$301,776.04; Total: \$602,057.35**

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: \$158,162.64 (6/22/18); \$190,154.28 (6/29/18); \$73,374.70 (7/6/18)**

Staff recommendation: Ratify

**5-4. Dinner With Albany Street Closure**

Staff recommendation: that the Council approve the closure of a five-block area on Solano Avenue between San Pablo and Evelyn Avenues for Dinner With Albany on Saturday, September 29, 2018, from 8:00 am-midnight

**5-5. Ordinance No. 2018-06 Amending Section 9-1 “General Provisions” and Section 9-10 “Stopping, Standing and Parking” of the Albany Municipal Code**

Staff recommendation: that the Council adopt Ordinance No. 2018-06 approving amendments to Section 9-1 “General Provisions” and Section 9-10 “Stopping, Standing and Parking” of the Albany Municipal Code - Second Reading - Pass to Print

**5-6. Ordinance No. 2018-04 Second Reading to Consider Amendments to Section 20.40.040 “Density Bonus” of the Albany Municipal Code**

Staff recommendation: that the Council adopt Ordinance No. 2018-04 approving amendments to Section 20.40.040 “Density Bonus” - Second Reading - Pass to Print

**5-7.** CIP Nos. 21000 and 23000 – 2018 Street Rehabilitation Project (C19-1) Call for Bids

Staff recommendation: that the Council adopt Resolution No. 2018-101, authorizing the City Manager to approve a Call for Bids for the 2018 Street Rehabilitation Project, Contract No. C19-1

**5-8.** Letter of Opposition – STREAMLINE Small Cell Deployment Act (S3157)

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

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Mayor McQuaid removed Item 5-7, Council Member Maass removed Item 5-5, and Council Member Pilch removed Item 5-6.

Item 5-5: Council Member Maass requested staff consider laying conduit beneath sidewalks to facilitate electric vehicle charging and allowing charging stations to be installed on the planting strip between the sidewalk and the street.

Item 5-6: Council Member Pilch appreciated revisions to the ordinance.

Item 5-7: Public Works Director Mark Hurley reported residents should submit claims for damages caused by contractors during street and sidewalk projects to the City. The City will submit the claims to the contractors, and the claims should be resolved fairly quickly. Staff will issue a Notice to Proceed for the Evelyn Rehabilitation Project later in July. The 2018 Street Resurfacing and Active Transportation Plan (ATP) Project is a combination of base repair and slurry sealing and will provide meaningful improvements before street rehabilitation projects, which include Washington Avenue, begin in early 2019. Staff will plan street rehabilitation projects over the next five years and present them to the Traffic and Safety Commission and the City Council. Signage for street and sidewalk projects will note the use of SB 1 funding for the projects.

Capital Improvement Program (CIP) Manager Robert Gonzales reported staff's strategy is to maintain past improvements and rehabilitate significantly degraded streets. Street projects are currently planned for the area north of Solano Avenue because East Bay Municipal Utility District's (EBMUD) projects are located mainly south of Solano Avenue. The 2018 Street Resurfacing and ATP Project includes resurfacing 16 streets, striping and signing 12 streets, and concrete repairs to curbs and gutters at an estimated cost of \$950,000.



The following persons spoke: Francesco Papalia, Ed Fields.

A summary of the comments is as follows: the pavement condition of Washington Avenue is not safe for bicyclists, and repairs should be made before the rainy season begins; an inquiry about the omission of Kains Avenue from the project.

CIP Manager Gonzales explained that the City of Berkeley has sewer work planned for Kains Avenue in the fall, after which the City of Berkeley will reconstruct Kains Avenue to City of Albany standards.

**MOTION:**

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

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

NOES: 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: Allan Maris, Jeremiah, Rosa Migia, Francesco Papalia, Alfredo Lahud.

A summary of the comments is as follows: hopes that the Council can make progress on the new affordable housing project and employing a new social worker for the Community Resource Center following the August recess; appreciation for the pedestrian crossing signs installed on San Pablo; the termination of janitors is sad; the new janitorial contractor did not offer former workers overtime or benefits; perhaps the City should look into the situation with the new janitorial contractor; support for the former janitorial workers.

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

**7-1. Mayor McQuaid Report**

Council Member Maass reported he attended the Programs and Projects Committee of the Alameda County Transportation Commission where he heard project updates and information about a \$105 million technical adjustment to the 2018 Comprehensive Investment Plan. He also attended a meeting of the Recycling Board Planning Committee wherein participants discussed an expansion of the San Leandro ACI plant, changes in rules of procedures, and food service packaging.

Council Member Pilch reported he attended the Chamber Mixer with Council Members Barnes and Maass.

Vice Mayor Nason reported Mayor McQuaid and she attended the Mayors Conference. Vice Mayor Nason also attended the settlement conference in the case of Lions Club versus City of Albany, a barbecue at the Senior Center, and the Independence Day event at Memorial Park. In addition, Vice Mayor Nason spoke at the birthday celebration for the Dalai Lama and met with an Albany Unified School District (AUSD) Board Member regarding ranked choice voting.

Mayor McQuaid reported she attended the opening of the art exhibition at the Community Center, participated in a conference call with Climate Mayors, and attended the District Attorney's Justice Academy. The Recreation and Community Services Department held a wonderful July 4th celebration, which was well attended.

City Manager Nicole Almaguer reported the East Bay Regional Park District is planning a groundbreaking event for the beach restoration project for August 8. The AUSD Board of Education may hold a special meeting on July 20 to discuss the possibility of requesting its removal from the City Charter. Phase I sidewalk repairs have been completed in 22 of 40 locations. The nomination period for City Council and AUSD Board of Education candidates opened July 16 and closes August 10. Residents have registered more than 20 block parties for National Night Out. Staff is purchasing water bottle filling stations with funds from sugar-sweetened beverage tax revenues and anticipates installation in early fall.

**8. PRESENTATION**

**9. PUBLIC HEARING**

**10. UNFINISHED BUSINESS**

**10-1. Contract for School Crossing Guard Services**

Staff recommendation: that the Council adopt Resolution No. 2018-100, authorizing the City Manager to enter into a contract with All City Management Services to provide crossing guard services for the 2018/2019 school year in an amount not to exceed \$124,076 for six crossing guards

Police Chief John Geissberger presented the staff report. Prior to negotiating a contract with All City Management Services as directed by Council, staff notified and met twice with Service Employees International Union (SEIU) regarding the contracting of crossing guard services. While SEIU wanted the crossing guard program to remain in-house, it had no proposals for addressing coverage issues.

Under the proposed contract, All City Management Services will employ six crossing guards for elementary school children. Contract provisions will require All City Management Services to handle all aspects of the program. Current



crossing guards who meet All City Management Services' hiring guidelines will undergo orientation and training and be offered employment and will be paid an hourly rate higher than the current City rate. All City Management Services is a sole-source vendor according to Albany City Council Administrative Policies and as such is exempt from the bidding process.

Contracting with All City Management Services will benefit the City by providing professional management, extensive experience, and crossing guard training and certification; reducing the City's liability risk; relieving the City of personnel and program administrative duties; and guaranteeing coverage for all crossing sites without the use of Police personnel. Other cities have been very satisfied with the services provided by All City Management Services and its coverage of personnel absences.

Sugar-sweetened beverage tax revenues will fund the contract for the 2018-2019 school year. The Council will have the opportunity to review the contract within one year.

The following persons spoke: Jeremiah, Julio Corral, Brian Parsley.

A summary of comments is as follows: disappointment with the higher cost of the contract, the loss of City jobs, and use of sugar-sweetened beverage tax revenues; SEIU requests the City not contract crossing guard services, utilize funds to increase the pay for current crossing guards, and meet with SEIU representatives again; support for approval of the contract.

A summary of Council comments is as follows: the cost of contracting services will not be significantly higher due to the City's total cost not including indirect and programmatic costs; the Council has considered the situation carefully and does not make its decision lightly; reluctant support for the contract because of the use of sugar-sweetened beverage tax revenues, the potential use of police officers in emergency situations, and the loss of union jobs.

**MOTION:**

Moved by Vice Mayor Nason, seconded by Council Member Barnes, to adopt Resolution No. 2018-100, authorizing the City Manager to enter into a contract with All City Management Services to provide crossing guard services for the 2018/2019 school year in an amount not to exceed \$124,076 for six crossing guards.

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

NOES: None

Motion carried and so ordered.

- 10-2.** Calling for a General Municipal Election and Requesting Consolidation with the Statewide General Election

Staff recommendation: that the Council:

1. Adopt Resolution No. 2018-98 – A Resolution of the Albany City Council Calling and Giving Notice of Holding a General Election to be Held November 6, 2018 and Requesting the Board of Supervisors of Alameda County to Consolidate Said Election with the Statewide General Election; Authorizing the City Clerk or Her Duly Authorized Officers to Carry Out All Necessary Procedures for Said Election; and Submitting to the Voters Three Ballot Measures; and
2. Assign a Council subcommittee or subcommittees to prepare written arguments for the ballot measures as identified in Resolution No. 2018-98

City Clerk Anne Hsu presented the staff report. Ballot measures for an extension of the half-cent sales tax, a special parcel tax to replace the existing Measure R assessment, and a Charter amendment to transition the City Treasurer from an elected to an appointed position have been proposed. Staff recommends the Council identify Council subcommittees to prepare arguments in support of the ballot measures. The Council may form one subcommittee for each ballot measure or one subcommittee for all three ballot measures.

City Manager Almaguer clarified that the assessment structure of Option C, presented in the July 2 Council meeting, most closely matches the existing assessment structure of Landscape Lighting Assessment District (LLAD) 96-1. The amounts are not exactly the same for each land use because one is a parcel tax and one is an assessment based on specific usage of the property. Staff revised the ordinance to indicate the parcel tax will be ongoing and revised the Charter amendment to reflect a date of December 10, 2020.

**MOTION:**

Moved by Vice Mayor Nason, seconded by Council Member Pilch, to Adopt Resolution No. 2018-98 – A Resolution of the Albany City Council Calling and Giving Notice of Holding a General Election to be Held November 6, 2018 and Requesting the Board of Supervisors of Alameda County to Consolidate Said Election with the Statewide General Election; Authorizing the City Clerk or Her Duly Authorized Officers to Carry Out All Necessary Procedures for Said Election; and Submitting to the Voters Three Ballot Measures with amendments to reflect an ongoing parcel tax, a date of December 10, 2020 in the Charter amendment, and the \$51.75 amount for the parcel tax on condominiums, townhouses, and multifamily residential units.

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

NOES: none

Motion carried and so ordered.



**MOTION:**

Moved by Council Member Pilch, seconded by Vice Mayor Nason, to assign Council Member Pilch and Vice Mayor Nason to a subcommittee for the parcel tax measure; Mayor McQuaid and Vice Mayor Nason to a subcommittee for a Charter amendment regarding the City Treasurer; and Council Members Maass and Barnes to a subcommittee for the sales tax measure.

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

NOES: none

Motion carried and so ordered.

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

Mayor McQuaid noted the next regular City Council meeting is scheduled for Tuesday, September 4, 2018, due to the Council recess for August.

**12-1. Upcoming City Events**

Nomination Period for Candidates, July 16 – August 10, Obtain Candidate Nomination Packet from City Clerk's Office, Albany City Hall

Bike About Town! July 20, 6:30 PM, Meet at Bikes on Solano, 1554 Solano Ave.

Friends of Albany Parks Clean-Up Day, July 21, 9 AM – 12 Noon, the Ohlone Greenway Plaza across from Albany Senior Center

Terrace Park Gala, July 25, 6:30 PM – 9 PM, Jewel's Terrace Park Picnic Area

Albany Trivia Night, July 27, 7 PM – 9 PM, Albany Community Center

Friends of Albany Parks Clean-Up Day, August 4, 9 AM – 12 Noon, Jewel's Terrace Park

National Night Out 2018! August 7, 6 PM – 8 PM, Your Neighborhood Block

Bike About Town! August 17, 6:30 PM, Meet at Bikes on Solano, 1554 Solano Ave.

Citywide Scavenger Hunt, August 24, 6:30 PM – 8:30 PM, Albany Community Center

**12-2. Upcoming City Meetings**

Sustainability Committee, Wednesday, July 18, 7:30 PM, Council Chambers, City Hall

Community Media Access Committee, July 23, 6 PM, Council Chambers, City Hall

Charter Review Committee, July 23, 7:30 PM, Council Chambers, City Hall



Social & Economic Justice Commission, Tuesday, July 17, 7:30 PM, Council Chambers, City Hall

Planning & Zoning Commission, Wednesday, July 25, 7 PM, Council Chambers, City Hall

Traffic & Safety Commission, Thursday, July 26, 7 PM, Council Chambers, City Hall


Board of Police & Fire Pension Fund Commissioners, Tuesday, July 31, 10 AM, Admin. Conference Room, City Hall

City Council Meeting, Tuesday, September 4, 7:30 PM, Council Chambers, City Hall


**13. ADJOURNMENT**

9:00 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Barbara Jaramillo.

Minutes submitted by Anne Hsu, City Clerk.

  
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Peggy McQuaid  
Mayor

Attest:

  
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Anne Hsu, City Clerk