



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

**7:30 p.m.**

### REGULAR MEETING

**1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Vice Mayor Nason led the Pledge of Allegiance.

**2. ROLL CALL**

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

Absent: None

**3. CEREMONIAL MATTERS**

**3-1. Mayor's Statement – Tree of Life Shooting Incident**

Mayor McQuaid read the following statement:

Once again, I am extending the condolences of our City to a community devastated by violence. We grieve with our Jewish community and members of the Tree of Life Synagogue, which suffered incomprehensible loss. The horrific shooting is one more incident in a week filled with terror, a week in which bombs were mailed to Americans who were targeted for their political ideology. In Kentucky, two African-Americans were murdered at a supermarket, a crime now being investigated as a possible hate crime.

I want to recognize and appreciate the police officers in Pittsburgh who risked their lives to protect the members of the synagogue and hope for a full recovery for those who were injured. In addition, I am proud of our own Albany Police Department staff who have and continue to work with community groups including our faith-based community and are available on an ongoing basis to discuss any security concerns they may have.

We must stand up and reject the hate that fills the hearts of some in our society. It is no longer sufficient to declare "love is the answer," but rather we must stand up to those who wish to harm others simply for their religion, politics, sexual orientation, gender identity, race, or ability. The result of our failure to do this will be a community and indeed a country we no longer recognize nor love.

We have an opportunity to take action during the upcoming "Bay Area Stands United Against Hate Week," November 11-18, 2018. Albany is a leader in this movement. These seven days of local civic action by people in every Bay Area community are designed to recognize and stop the hate and implicit biases that are a dangerous threat to the safety and civility of our communities.

During Bay Area Stands United Against Hate Week, the City of Albany is partnering with the Albany Unified School District, UC Village, and the Albany Community Foundation to show "Near Normal Man," the story of holocaust survivor Ben Stern. This powerful presentation will include a discussion led by his daughter, Charlene Stern. Please join us on November 16 beginning at 6:00 in the Village Community Center. This program is suitable for high school students and adults. Children's activities will be provided for younger children by UC Village staff.



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

We must courageously meet the challenge of denying hate the ability to take root in our community. Through the acceptance of our own personal responsibility to end this madness, we will bring honor to all those who have lost their lives.

### 3-2. A/V Apprentice Recognition

Recreation Coordinator and Audio-Visual Apprentice Lead Brennen Brown related the need for assistance in covering events in Albany and the high-quality work performed by the apprentices.

Mayor McQuaid presented certificates of appreciation to the apprentices.

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

## 5. CONSENT CALENDAR

### 5-1. Minutes, October 15, 2018

Staff recommendation: Approve

### 5-2. Ratification of Payrolls - Payroll Period: 10/12/2018; Net Payroll: \$299,726.42; Taxes, Benefits, Withholdings: \$304,682.99; Total: \$604,409.41, and Payroll Period: 10/26/2018; Net Payroll: \$315,188.72; Taxes, Benefits, Withholdings: \$319,851.11, Total: \$635,039.84

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 \$242,053.37 (10/12/18), \$25,000 (10/16/18), \$294,650.47 (10/19/18), \$348,704.83 (10/26/18)

Staff recommendation: Ratify

### 5-4. Ratification of Police and fire Pension Board Payments: August 2018–\$140,304.82, September 2018–\$104,304.82, October 2018–\$104,304.82

Staff recommendation: Ratify

### 5-5. Committee Member Juan Mesa resigned from the Community Media Access Committee (Council Member Pilch Appointment)

Staff recommendation: Informational

### 5-6. Letter of Opposition – H.R. 2, Agriculture Improvement Act of 2018 (Farm Bill)

Mayor McQuaid recommendation: that the Council authorize submittal of letters of opposition opposing the provision in H.R. 2, the Agriculture Improvement Act of 2018

### 5-7. Request for City Council Discretionary Funds



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

Mayor McQuaid recommendation: that the Council authorize \$600 from the City Council Discretionary Funds to support project for United Against Hate Week.

**5-8. Fiscal Year 2018-2019 Community Development Block Grant (CDBG) Project Applications and Agreement with Alameda County**

Staff recommendation: that the Council adopt Resolution No. 2018-130, authorizing (1) the submission of FY 2018-19 Community Development Block Grant (CDBG) project applications to Alameda County, and (2) the City Manager to enter into an agreement with Alameda County for the use of FY 2018-19 Community Development Block Grant (CDBG) funds in the amount of \$147,083.50

**5-9. Utilization of Recreation Reserve Funds for Park Facility Improvements/Repairs and Safety Improvements**

Staff recommendation: that the Council adopt Resolution No. 2018-127 authorizing the allocation of \$47,738 from Fund 0002–Recreation Reserve and appropriate budget adjustments as needed for the funding of the Memorial Park facility improvements/repairs and park and facility safety improvements

**5-10. Updated Salary Schedule for Albany Peace Officers' Association Employees**

Staff recommendation: that the Council adopt Resolution No. 2018-128 approving the updated salary ranges for the APOA bargaining unit

**5-11. Resolution No. 2018-132 authorizing the City Manager to submit grant applications and execute agreements with the California Department of Transportation**

Staff recommendation: that the Council adopt Resolution No. 2018-132 authorizing City Manager to submit grant applications and execute agreements with the California Department of Transportation

**5-12. Ordinance amending Chapter XIII of the Municipal Code to revise two definitions in Section 13-4 and to replace the protest procedures in Section 13-18**

Staff recommendation: that the Council adopt Ordinance No. 2018-09, Second reading, Pass to Print

**5-13. Allocation of funds to conduct a Play Field Improvement Study for Peggy Thomsen Pierce Street Park and Contract Approval**

Staff recommendation: that the Council adopt Resolution No. 2018-131 authorizing (1) the allocation of \$22,250 of Measure R (LLAD 96-1) funds to conduct a comparison study of installing natural and synthetic turf on the lower play field at Peggy Thomsen Pierce Street Park and (2) the City Manager to execute Contract C19-30 with Verde Design, Inc. in the amount of \$19,230 to conduct the comparison study

**5-14. Proclamation in Honor of Patty Iverson Celebrating Her Ninetieth Birthday**



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of Patty Iverson

Mayor McQuaid asked if anyone wishes to remove an item from the consent calendar. Julie Winkelstein, a member of the public, pulled Item 5-8. Vice Mayor Nason pulled Item 5-9; and Council Member Maass pulled Item 5-13.

Item 5-8: Assistant City Manager Isabelle Leduc reported the Council could amend the CDBG contract after approving it.

Item 5-9: Vice Mayor Nason suggested staff plan the site more comprehensively in order to avoid this type of situation in the future.

Item 5-13: Public Works Director Mark Hurley reported the analysis will provide a cost comparison of natural and synthetic turf over 20 years. Near-term cost estimates should be relatively close to construction estimates. Removing soil from the site may not be a large factor in determining whether to use natural or synthetic turf. Staff could explore including irrigation in the project. Staff has not spoken with the City of Berkeley regarding the turf project at the Tom Bates Regional Sports Complex. If the Council wishes, staff can obtain an analysis of synthetic turf only. Site-specific details, such as drainage and grading, are driving the cost of the analysis.

The following persons spoke: Julie Winkelstein.

A summary of the comments is as follows: a request for the Council to form a subcommittee to interview homeless people regarding services provided by the Berkeley Food and Housing Project.

A summary of Council comments is as follows: grass may not be viable over the long term for play fields; support for the study.

### **MOTION:**

Moved by Council Member Pilch, seconded by Vice Mayor Nason, to approve the consent calendar.

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

NOES: None

The motion carries and is so ordered.

## **6. GOOD OF THE CITY/PUBLIC COMMENT**

Mayor McQuaid opened the Good of the City.

The following persons spoke: Julie Winkelstein, Kirk Schumacher, Andrew Sullivan.

A summary of the comments is as follows: encouragement for the addition of housing and economic status to the statement at the top of each agenda; encouragement for the Council to acknowledge that the City of Albany is located on Ohlone lands at the beginning of each Council meeting; disappointment with the first community meeting for rent review; an inquiry about access to the contract with the mediation and conciliation organization and the budget for the rent review program; the Albany Police Department does not practice community policing well, and there does not appear to be oversight of the Police Department.



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

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

Council Member Maass reported he attended the Alameda County Waste Management Authority meeting where members discussed the Energy Council priorities; the Alameda County Transportation Commission meeting where he learned about a congestion management study; and the Verge 18 conference regarding the circular economy.

Council Member Pilch reported he attended the East Bay Community Energy (EBCE) meeting where members discussed the Power Charge Indifference Adjustment (PCIA) extensively; the dinner honoring volunteers; and the League of California Cities-East Bay Division meeting.

Vice Mayor Nason reported she attended the Citizen of the Year dinner. Mayor McQuaid and she met with the East Bay Regional Park District regarding signage at the burrowing owl habitat.

Mayor McQuaid reported she attended Coffee with a Cop, two meetings in preparation for United Against Hate Week, the Everyone Home Leadership Board and membership meetings, and the League of California Cities-East Bay Division meeting. In addition, Mayor McQuaid met with Assembly Member Tony Thurman and various Bay Area faith leaders regarding methods to combat hate and violence.

City Manager Nicole Almaguer reported the Police Department and the Neighborhood Services Manager are working with faith-based organizations to make them aware of safety concerns. The rent review ordinance became effective November 2. Two community workshops regarding the rent review program are upcoming. Assistance with sandbags is available on December 1, January 5, and February 9 at Ocean View Park or by calling the Neighborhood Services Program. An emergency preparedness meeting is scheduled for November 27. Staff has received 344 responses to a community planning survey, and the responses will inform an update of the Climate Action Plan. A community workshop regarding the Climate Action Plan is being planned for early 2019. Phase II of the sidewalk repair program and the sewer repair program are 50-percent complete. The final design for access improvements to Albany Hill will be presented to the Parks and Recreation Commission on Thursday and then to the City Council. Polls are open on November 6 from 7:00 a.m. to 8:00 p.m..

Mayor McQuaid reported on November 11, the Albany library will show "Not in Our Town, Northern California: When Hate Happens Here," and the City of Berkeley will host a kickoff event for United Against Hate Week. "Near Normal Man" will be shown at the UC Village Community Center on November 16.

### 8. PRESENTATION

#### 8-1. "Sift the Sand" Presentation by Albany Landfill Dog Owners Group

Vice Mayor Nason recommendation: that the Council receive a presentation regarding the "Sift the Sand" project and present a Certificate of Recognition to the Albany Landfill Dog Owners Group

Mary Barnsdale, Albany Landfill Dog Owners Group (ALDOG), reported ALDOG held a large microplastics cleanup at the beach in 2017. Over six hours, 115 volunteers used a special screen



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

to sift small debris from the sand and collected 2,440 pounds of debris. Removal of nurdles, small pellets of plastic, is important because nurdles off-gas, leach chemicals into the environment, and soak up PCBs. The existing sand and sand being brought to the beach will have to be cleaned. ALDOG has been cleaning Albany Beach for at least 5-6 years and is committed to do 3 big beach clean-ups a year.

Mayor McQuaid presented a certificate of recognition to ALDOG.

### 9. PUBLIC HEARING

### 10. UNFINISHED BUSINESS

### 11. NEW BUSINESS

**11-1.** Resolution No. 2018-129 granting approval of an encroachment permit to allow a retaining wall in the public right-of-way at 958 Neilson Street

Staff recommendation: that the Council adopt Resolution No. 2018-129 granting approval of an encroachment permit to allow a retaining wall in the public right-of-way at 958 Neilson Street

Vice Mayor Nason and Council Member Maass recused themselves from the item.

Community Development Director Jeff Bond presented the staff report. If it prefers, the Council can refer the matter to the Planning & Zoning Commission.

The following persons spoke: Anton Bahamondes, William Darin, Sam Freeman.

A summary of the comments is as follows: the property owner thought he was building the wall on his property; the property owner has no backyard; Council Member Barnes should recuse himself because he visited the property before the agenda item was scheduled; the wall improves the appearance of the property; Council Member Barnes did not speak with neighbors or inform them of his presence at the property.

A summary of Council comments is as follows: a suggestion for the Planning & Zoning Commission to review past actions and to develop a policy as part of its 2019 Work Plan; Council Members often visit sites when they receive concerns from the public or when issues are part of the agenda.

#### **MOTION:**

Moved by Mayor McQuaid, seconded by Council Member Pilch, (1) to refer the application to the Planning & Zoning Commission for action and (2) to direct the Planning & Zoning Commission to draft guidelines and a permit process for permanent encroachments into the public right-of-way with input from the Traffic & Safety Commission and the City Attorney as part of its 2019-20 Work Plan.

AYES: Council Members Barnes and Pilch, Mayor McQuaid

NOES: None

RECUSALS: Council Member Maass, Vice Mayor Nason

The motion carries and is so ordered.



## ALBANY CITY COUNCIL – MINUTES

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 5, 2018

---

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

#### 12-1. Upcoming City Events

General Election Day, Tuesday, November 6, 2018, 7 AM–8 PM, Polling Places

Fireside Songs & S'mores, Friday, November 16, 2018, 6:30 PM–8:30 PM, Memorial Park Picnic Area Fireplace

#### 12-2. Upcoming City Meetings

Social & Economic Justice Commission, Wednesday, November 7, 7:30 PM, City Hall Council Chambers

Parks & Recreation Commission, Thursday, November 8, 7 PM, City Hall Council Chambers

Arts Committee, Tuesday, November 13, 7:30 PM, Albany Community Center Room 1


Planning & Zoning Commission, Wednesday, November 14, City Hall Council Chambers

City Council Meeting, Monday, November 19, 7:30 PM, City Hall Council Chambers


### 13. ADJOURNMENT

8:48 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

  
\_\_\_\_\_  
Peggy McQuaid  
Mayor

Attest:

  
\_\_\_\_\_  
Anne Hsu, City Clerk