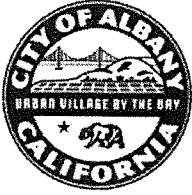


Date Approved: January 22, 2018



CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, JANUARY 8, 2018

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:

1. Labor Negotiations pursuant to Government Code Section 59457.6

Agency Negotiator:	Interim City Manager Nicole Almaguer & Joe Wiley – Chief Negotiator
Employee Organization:	Albany Police Officers' Association

2. Public employee appointment or employment pursuant to Government Code Section 54957. Position to be filled: City Manager.

ADJOURNMENT

7:30 p.m. - REGULAR MEETING

CALL TO ORDER

1. **PLEDGE OF ALLEGIANCE**
Council Member Barnes 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 Appreciation – Recognition of Council Member Pilch for his service as Vice Mayor

Mayor McQuaid presented Council Member Pilch with a certificate of appreciation.

Mayor McQuaid reported she sent condolences to Acting Mayor Breed on the passing of Mayor Lee of San Francisco. A memorial statement was placed on the City's website.

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

Mayor McQuaid reported the Council gave staff direction on how to proceed in Closed Session items.

5. CONSENT CALENDAR**5-1.** Minutes, December 4, 2017

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 12/8/17; Net Payroll: \$357,800.89; Taxes, Benefits, Withholdings: \$402,313.36; Total: \$760,114.25

Payroll Period: 12/21/17; Net Payroll: \$333,055.40; Taxes, Benefits, Withholdings: \$336,801.44; Total: \$669,856.84

Staff recommendation: Ratify

5-3. City Council Member Appointments: Community Media Access Committee - Juan Mesa appointed by Council Member Pilch and Chloe Gray-Stapleton appointed by Vice Mayor Nason; Social & Economic Justice Commission – Nicole Daro appointed by Council Member Barnes

Staff recommendation: Information only

5-4. Proclamation Designating January 2018 as Human Trafficking Awareness Month

Staff recommendation: that the Council adopt a Proclamation Designating January 2018 as Human Trafficking Awareness Month

5-5. Letters of Opposition – Restoring Internet Freedom Draft Order

Mayor McQuaid recommendation: that the Council note and file the letter as submitted

5-6. Letters of Opposition – HR38, Concealed Carry Reciprocity Act of 2017

Mayor McQuaid recommendation: that the Council note and file the letter as submitted

- 5-7.** Letters of Support – Reauthorization of Funding for the Children's Health Insurance Program (CHIP)
- Mayor McQuaid recommendation: that the Council authorize submittal of letters of support regarding the reauthorization of funding for the Children's Health Insurance Program to Senators Feinstein and Harris
- 5-8.** Extension of Arts Committee 2016-2018 Public Art Projects Plan (PAPP)
- Arts Committee recommendation: that the Council approve the request by the Arts Committee for an extension of the 2016-2018 Public Art Projects Plan until the end of Fiscal Year 2019 and additional Art in Public Places funds in the amount of \$750 to implement a Fall into Haiku program in the Fall of 2018
- Staff recommendation: that the Council adopt Resolution No. 2018-6 to approve the extension of the Arts Committee Public Art Projects Plan until June 30, 2019 and allocate additional Art in Public Places funds in an amount not to exceed \$750 for the implementation of a Fall into Haiku program in 2018
- 5-9.** Second Amendment to Agreement for City Attorney Services
- Mayor McQuaid recommendation: that the Council adopt Resolution No. 2018-10 approving the proposed Second Amendment to the Agreement for City Attorney Services between the City of Albany and the Law Offices of Craig Labadie (“Second Amendment”) and authorize the Mayor to execute the Second Amendment on behalf of the City
- 5-10.** Agreement with Matrix Consulting to conduct an Operational and Organizational Assessment of the City’s Finance Department
- Staff recommendation: that the Council adopt Resolution No. 2018-1, Authorizing the Interim City Manager to enter into an agreement with Matrix Consulting to conduct an Operational and Organizational Assessment for the City’s Finance Department
- 5-11.** CIP Project 22000 – Annual Sidewalk Rehabilitation, Extension of Consultant Services Contract No. 17-3 and Budget Adjustments
- Staff recommendation: that Council adopt Resolution No. 2018-3:
- Authorizing the Interim City Manager to extend design services (Contract No. C17-3) with Campbell CAD for an additional amount not to exceed \$10,000 for a new total contract ceiling of \$30,740 and extends the term of the contract by an additional six months
 - Approve adjustments to the project budget as detailed in Exhibit A – Budget Adjustments CIP No. 22000
- 5-12.** CIP Project No. 21000 – Annual Pavement Rehabilitation, 2015 Project Closeout (C15-12) and Project Budget Adjustments

Staff recommendation: that the Council adopt Resolution 2018-8:

- Accepting the improvements completed in the 2015 Pavement Rehabilitation Project (Contract No. C15-12) and authorizing the filing of the Notice of Completion with the County Recorder's Office;
- Authorizing the Interim City Manager to execute Change Order #5 in the amount of \$184,519.72 to close out Contract No. C15-12; and
- Approve budget adjustments including an increase in the FY 15/16 project in the amount of \$15,866 from the Measure F Storm Drain Fund (2006)

5-13. CIP Project No. 32000 – Annual Sewer Rehabilitation, FY15/16 Project Closeout (C16-7), Project Budget Adjustments and Authorization of Redesign and Construction

Staff recommendation: that the Council adopt Resolution No. 2018-4:

- Accepting the improvements completed in the FY15/16 Sanitary Sewer Rehabilitation Project (Contract No. C16-7) and authorizing the filing of the Notice of Completion with the County Recorder's Office;
- Approve adjustments to the project budget as detailed in Exhibit B – Budget Adjustments CIP No. 32000; and
- Authorize re-design and call for bids for the section of sewer along Key Route that was removed from the FY15/16 project

5-14. Mayor McQuaid Request to use the Community Center Hall Room

Staff recommendation: that the Council approve the Mayor's Request to use the Community Center Hall Room on Wednesday, March 7, 2018 for a community meeting focused on recognizing and preventing sexual assault and harassment

5-15. Resolution Authorizing Amendments to the Salary Schedule for Various Part-Time Unrepresented Employee Classifications to comply with State of California Minimum Wage Increase

Staff recommendation: that the Council adopt Resolution No. 2018-11 approving the new salary ranges

5-16. Project Charter with the Alameda County Transportation Commission for the San Pablo Avenue Corridor Project

Staff recommendation: that the Council adopt Resolution No. 2018-9 authorizing the Interim City Manager to enter into a Project Charter with the Alameda County Transportation Commission for the San Pablo Avenue Corridor Project

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Pilch and Vice Mayor Nason pulled Items 5-12 and 5-10 respectively.

Item 5-12: Council Member Pilch confirmed that staff finalized the 2015 contract when it came to their attention that it had not been finalized. The project exceeded its budget by approximately 50%. Public Works Director Mark Hurley advised that much of the change order work were related to drainage work that should have been part of the original design.

Item 5-10: Vice Mayor Nason requested public communications be included in the scope of work of the contract with Matrix Consulting.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Maass, 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: None.

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 on Meetings Attended

Council Member Maass reported he attended the Future of Freight Roundtable, where officials discussed increasing the efficiency of the Port of Oakland. A potential grade separation in the amount of \$0.5 billion at the Port of Oakland could be funded through SB 1 and regional Measure 3 funds.

Council Member Pilch reported Council Members may have received an email regarding legislation affecting Community Choice Energy (CCE). This legislation would not affect East Bay Community Energy (EBCE). EBCE is proceeding with implementation and will begin enrolling municipal accounts in April or June.

Vice Mayor Nason reported she attended a couple of Alta Bates meetings. A community forum is planned for February 3. She attended the East Bay Regional Park District's Policy Advisory Committee meeting regarding environmental issues resulting from dog walking at the Bulb. Vice Mayor Nason has notified the committee that the community will want to discuss dog policy.

Mayor McQuaid reported she attended the Alameda County Transportation Commission meeting, Everyone Home Leadership Board meeting, legislative breakfast, and Mayors Conference.

Interim City Manager Nicole Almaguer reported Lime Bike bikeshare program will launch in Albany and El Cerrito by the end of January. Staff will monitor the effectiveness of the program. With respect to Peggy Thomsen Pierce Street Park, PG&E has fulfilled its obligations to install electricity. Three benches will be installed soon, and the plaque should arrive by the end of the month. Hopefully, the park will open in February. The Commit to Serve Expo has launched. Two new staff members have joined the City in the Finance Department and at the Senior Center.

8. PRESENTATION

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Local Hazard Mitigation Plan for 2018-2022

Staff recommendation: that the Council adopt Resolution No. 2018-2 Adopting the City of Albany Local Hazard Mitigation Plan for 2018-2022

Sustainability Coordinator Claire Griffing presented the staff report. The City is required to update its Local Hazard Mitigation Plan (Plan) to be eligible for FEMA grant funding. The Plan is a tool for addressing disasters before they happen, and the ultimate goal is to reduce the potential loss of life, property, and natural resources during and after a disaster. The preparedness, response, and recovery aspects of emergency management are addressed in the City's Emergency Operations Plan, which is separate from the Local Hazard Mitigation Plan. Community input was obtained through meetings of the Sustainability Committee and a community survey.

Staff identified potential natural and human-caused hazards; assessed risks and vulnerabilities associated with the identified hazards; and developed long-term strategies for protecting people and property from future hazard events. The Plan is required to address natural hazards, but staff included some human-caused hazards. Based on feedback from the community and the Council, staff chose ten hazards to address in the Plan; conducted a risk assessment of each hazard; determined the probability of occurrence and potential impact on people, property, and economy for each hazard; and ranked the hazards based on the analysis. The table in the Plan outlines strategies for mitigating each hazard, establishes the responsible agency for implementation, and designates a timeline for each measure.

The final Plan incorporates feedback from the Council, community, and Police and Fire Departments. At the Council's prior discussion of the Plan, staff was

directed to include sea level rise and information technology failure into the hazard section. Staff edited mitigation strategies to include additional strategies and to strengthen language addressing soft-story buildings and revised the list of critical facilities. After the draft Plan was provided to the Council, staff moved a heading to the correct page, corrected dates in the table for Bay Area earthquakes, and updated the graph for visual clarity.

The Community Development Department is the lead department to monitor the Plan's progress. Plan implementation and evaluation are shared by many City departments and other agencies identified in the Plan as lead agencies. After FEMA approval, staff will develop an implementation plan and meet with departments at least annually to track progress. Next steps after approval are to submit the Plan to the California Office of Emergency Services for review. The California Office of Emergency Services will send the Plan to FEMA for approval, after which staff will implement the Plan and conduct a comprehensive update every five years.

The following person spoke: Allan Maris.

A summary of comments is as follows: status of seismic retrofit of buildings along San Pablo and use of affordable housing funds and FEMA grants to improve buildings that have not been retrofitted.

Community Development Director Jeff Bond indicated many of the buildings have been retrofitted. FEMA grants are oriented to improve public infrastructure and public agency preparedness rather than to improve private property.

A summary of Council comments is as follows: inclusion of data regarding safety improvements made to the housing stock; the purpose of the annual review versus the five-year update; amount of FEMA grants and projects for which grant funds can be used; explore incorporation of CCE because it should provide some energy resilience; include existing measures to prevent an attack on the Solano Stroll; mention efforts to address climate change which is likely a cause of severe weather; appreciation for staff's work and incorporation of Council comments; on page 64 of the Plan, the second Recommended Mitigation Action should include "business;" proposed language for the seventh Recommended Mitigation Action on page 64 of "advocate to keep Alta Bates Summit Medical Center open in Berkeley as an acute care hospital including emergency care;" the timeline for the final Recommended Mitigation Action for earthquake hazard should be 2018 rather than 2019; pandemics did not include hepatitis A outbreaks; severe weather should include street trees as well as Albany Hill trees.

MOTION:

Moved by Vice Mayor Nason, seconded by Council Member Barnes, to adopt Resolution No. 2018-2 Adopting the City of Albany Local Hazard Mitigation Plan for 2018-2022

AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: none
Motion carried and so ordered.

10-2. Update on implementation of a non-binding Rent Review program

Staff recommendation: that the Council receive an update on the Request for Proposals for Rent Review Program Services, information on key elements of a rent review program, and direct staff to develop the first draft of a non-binding rent review program ordinance in coordination with the City's Social & Economic Justice Commission

Council Member Pilch recused himself from this item.

Interim Assistant City Manager Isabelle Leduc presented the staff report. Development of a rent review ordinance is a goal within the City Council's Strategic Plan. A rent review program was first presented to the Social and Economic Justice Commission (SEJC) in October 2016. Public feedback was obtained through a workshop, an online survey, and public meetings. In March 2017, the Council authorized release of a Request for Proposals (RFP) for rent review program services and provided staff with further direction.

Key elements of a program include among others, a trigger for rent review; the number of days to file a request; the number of days for a landlord to respond; and consequences to a landlord or tenant for failure to respond. Staff requests further direction from the Council regarding tenant and landlord protections as public input did not provide a clear consensus. Leduc related rent data obtained from the Association of Bay Area Governments (ABAG) and the U.S. Census American Community Survey. UC Village has an influence on demographic data for Albany as a whole. The percentage of Albany renters paying more than 30% of their income for rent is increasing.

A proposal from Eden Council for Hope and Opportunity (ECHO) which provides alternative dispute resolution services for landlords and tenants in Alameda County and administers nonbinding rent review programs in San Leandro and Union City is included for information. Staff met with Albany Property Rights Advocates (APRA), Diverse Housing Working Group, and SEJC to discuss next steps associated with implementation of a nonbinding rent review program ordinance. Next steps are to prepare a draft ordinance and structure of the program and present it to the SEJC in March 2018 and the City Council in April or May 2018. Funding will be incorporated in the draft fiscal year 2018-19 operating budget.

The following persons spoke: Ed Crowley; Peter Campbell, Kathy Diehl, Francesco Papalia, Ian Bennett-Goldberg, Evelyne St-Louis, Margie Marks, Allan Maris.

A summary of comments is as follows: form a new task force comprised of stakeholders and property owners to prepare a plan for implementation of a rent review program; APRA should be included in the process of developing an ordinance and program; concern that the staff report inaccurately reported areas of consensus from the workshop and survey; need to build more housing rather than implementing a rent review program; everyone should pay for a rent review program; support for proceeding with a rent review program; rent control versus rent review; the trigger amount should be lower than 10%.

A summary of Council comments is as follows: a request for a comparison of UC Village rent increases with other apartment complexes; fees charged in rent review programs in other cities; rent review is a band-aid on the need for more housing; support for a program similar to programs in other jurisdictions; hopes that the City will not fund the entire program; the need for more data; concern about the number of people drafting an ordinance; a suggestion for the Council to provide direction regarding smaller issues; a proposal for staff to draft an ordinance for review by a task force comprised of a limited number of SEJC and APRA members; concern about the length of time before a draft is presented to the Council for review.

Interim City Manager Nicole Almaguer proposed the SEJC appoint two of its members to the task force, and APRA and Diverse Housing Working Group each self-select two representatives for the task force.

MOTION:

Moved by Mayor McQuaid, seconded by Council Member Maass, to direct staff to draft a rent review ordinance for review by a task force comprised of two representatives each from the Diverse Housing Working Group, Albany Property Rights Advocates and the Social and Economic Justice Commission. Staff is to return to the City Council with the outcome of the review including consensus recommendations from the task force and specific staff recommendations.

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

RECUSED: Council Member Pilch

NOES: none

Motion carried and so ordered.

11. NEW BUSINESS

11-1. Albany Loop – Proposed public artwork on the Ohlone Greenway

Arts Committee recommendation: that the Council approve the Albany Loop public artwork by Groundworks for installation on the Ohlone Greenway

Staff recommendation: that the Council adopt Resolution No. 2018-5, authorizing the Interim City Manager to enter into a contract agreement for the commission of artwork with Groundworks, not to exceed \$40,000, for the creation and installation of the Albany Loop public art work, on the Ohlone Greenway at the corner of Portland and San Gabriel Avenues

Interim Assistant City Manager Leduc presented the staff report. This item supports the City Council's Strategic Plan to develop the Ohlone Greenway. On April 4, 2016, the Council approved the first public art projects plan. One of the first projects was the creation of an interactive play sculpture at San Gabriel and Portland Avenues. A selection panel recommended two artists to the Arts Committee, who selected the Albany Loop from Groundworks for the San Gabriel play sculpture. A model of the sculpture is displayed at the Albany Community Center. Staff received more than 300 public comment cards regarding the sculpture. The sculpture was revised based on feedback given during an Arts Committee meeting. The project is funded with \$25,000 of public art funds and \$15,000 of Measure WW funds.

Brennen Cox, Groundworks, shared his concept of the sculpture as fun, visual, and announcing "you're in Albany" along the Ohlone Greenway. The sculpture will be made of round steel pipe, spelling "Albany," and weave around the site. The pipe will be painted blue with a durable marine coating to deter graffiti.

A summary of Council comments is as follows: need to allocate funds to remove graffiti; pleased with design.

Jen Daly, Arts Committee Chair, reported the process worked well. Groundworks was flexible in revising the sculpture based on feedback and BART issues.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Barnes, to approve the installation of the Albany Loop public artwork by Groundworks on the Ohlone Greenway.

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

NOES: none

Motion carried and so ordered.

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

12-1. Upcoming City Events

Martin Luther King Commit to Serve Expo, Monday, January 8 – Tuesday, January 16, 2018, Community Center

12-2. Upcoming City Meetings

Planning & Zoning Commission, Wednesday, January 10, 7 PM, City Hall Council Chamber

Parks & Recreation Commission, Thursday, January 11, 7 PM, City Hall Council Chamber

Arts Committee, Tuesday, January 16, 7 PM, City Hall Council Chamber

Sustainability Committee, Wednesday, January 17, 7:30 PM, City Hall Council Chamber

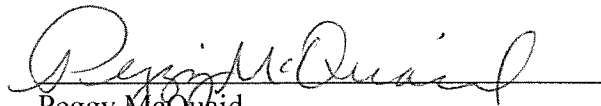
Community Media Access Committee, Monday, January 22, 6 PM, City Hall Council Chamber

12-3. The next Regular Meeting of the City Council will be held on Monday, January 22, 2018

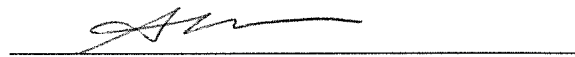
13. ADJOURNMENT

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

Minutes submitted by Anne Hsu, Interim City Clerk.


Peggy McQuaid
Mayor

Attest:


Anne Hsu, Interim City Clerk