



## **CITY OF ALBANY**

**MINUTES OF THE  
ALBANY CITY COUNCIL  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE  
MONDAY, JUNE 4, 2018**

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**5:30 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. Public employee appointment or employment pursuant to Government Code Section 54957. Position to be filled: Police Chief
2. Labor Negotiations pursuant to Government Code Section 59457.6

Agency Negotiator: City Manager Nicole Almaguer, Human Resources Director Melissa Rojas & Charles Sakai, Sloan Sakai Yeung & Wong LLP

3. Employee Organization: SEIU

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**  
Vice Mayor 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. Elder Abuse Awareness Month Announcement: Alameda County District Attorney Office; Adult Protective Services**

Stephanie Marselli, Adult Protective Services, thanked the Council for the Proclamation recognizing Elder Abuse Awareness Month.

Nathan Feldman, Deputy District Attorney, shared the role of the District Attorney's Office in investigating and prosecuting elder abuse and thanked the Council for helping increase awareness of elder abuse.

**3-2. Proclamation in Honor of Pat Looney upon his Retirement from the City of Albany**

Mayor McQuaid presented the Proclamation to Pat Looney.

**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, May 21, 2018**

Staff recommendation: Approve

**5-2. Ratification of Payroll - Payroll Period: 5/25/18; Net Payroll: \$302,528.61; Taxes, Benefits, Withholdings: \$310,208.04; Total: \$612,736.65**

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: \$237,715.50 (5/18/18)**

Staff recommendation: Ratify

**5-4. Proclamation in Honor of Loving Day**

Staff recommendation: Approve

**5-5. Proclamation Recognizing June 2018 as LGBT Pride Month**

Staff recommendation: Approve

**5-6. Proclamation Designating June 2018 as Immigrant Heritage Month**

Staff recommendation: Approve

- 5-7.** CIP No. 32000 FY17/18 Sewer Rehabilitation – Award of Construction Contract (C18-10) and Construction Management Services Contract (C18-60)

Staff recommendation: that the Council adopt Resolution No. 2018-78:

1. Authorizing the City Manager to award and execute Contract C18-10 with Ranger Pipelines Incorporated to construct the 2018 Sanitary Sewer Rehabilitation Project, in the not-to-exceed amount of \$3,373,185; and
2. Authorizing the City Manager to award and execute Contract C18-60 with Zoon Engineering to provide construction management support for the 2018 Sanitary Sewer Rehabilitation Project, in the not-to-exceed amount of \$ 356,400

- 5-8.** CIP No. 32000 – 2019 Sanitary Sewer Rehabilitation: Award of Engineering Design Services Contract

Staff recommendation: that the Council approve Resolution No. 2018-79 authorizing the City Manager to award and execute Contract C18-61 with Nute Engineering for Engineering Design Services for the 2019 Sanitary Sewer Rehabilitation Project in the not-to-exceed amount of \$195,000

- 5-9.** Award of Contract C18-62 for City of Albany Janitorial Services

Staff recommendation: that the Council adopt Resolution No. 2018-80:

1. Approving the selection of Karla's Janitorial Services as the firm to provide janitorial services
2. Authorizing the City Manager to execute Contract C18-62 for a three-year janitorial services agreement with the Karla's Janitorial Services, in the amount of \$14,086.44 per month or \$169,037.28 annually for janitorial services beginning July 1, 2018

- 5-10.** CIP Project No. 41001 – Peggy Thomsen Pierce Street Park Project, Project Closeout and Filing of the Notice of Completion – Contract C16-39

Staff recommendation: that the Council adopt Resolution No. 2018-76:

1. Accepting the improvements constructed as part of Contract C16-39 – Peggy Thomsen Pierce Street Park Project and approving the filing of the Notice of Completion at the County Recorder's Office; and
2. Approve a budget increase for CIP Project No. 41001 in the amount of \$5,955.89 from the General Capital Projects Fund (Fund 2007).

- 5-11.** Authorization to Submit Grant Applications to the State of California Active Transportation Program Cycle 4 Program

Traffic & Safety recommendation: at its meeting on April 30, 2018, recommended that the City Council adopt a resolution authorizing the City Manager to submit San Pablo/Buchanan Complete Street Improvements and

Masonic Intersection Improvements for funding from the upcoming Cycle 4 of the State of California Active Transportation Program.

Staff recommendation: that the Council adopt Resolution No. 2018-71 authorizing the City Manager to submit San Pablo/Buchanan Complete Street Improvements and Resolution No. 2018-72 authorizing the City Manager to submit Masonic Intersection Improvements for funding from Cycle 4 of the State of California Active Transportation Program

- 5-12.** Resolution No. 2018-75, A Resolution of the Albany City Council Re-Delegating Investment Authority to the City Treasurer and Adopting the Investment Policy for the City of Albany

Staff recommendation: that the Council adopt Resolution No. 2018-75 - A Resolution of the Albany City Council Re-Delegating Investment Authority to the City Treasurer and Adopting the Investment Policy for the City of Albany

- 5-13.** Contract with the County of Alameda for Additional Library Services, Fiscal Year 2018/2019, in the amount of \$725,440

Staff recommendation: that the Council adopt Resolution No. 2018-73, authorizing an agreement between the City of Albany and the County of Alameda for additional library services for Fiscal Year 2018/2019

- 5-14.** Resolution No. 2018-74 authorizing the submittal of the 2018-2019 City of Albany Paratransit Program Plan Application in the amount of \$64,778.58 to the Alameda County Transportation Commission

Staff recommendation: that the Council adopt Resolution No. 2018-74 authorizing the submittal of the 2018-2019 City of Albany Paratransit Program Plan Application in the amount of \$64,778.58 to the Alameda County Transportation Commission

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Pilch removed Item 5-11; Council Member Maass removed Item 5-14.

Item 5-11: Community Development Director Jeff Bond reported the grant application does not include the design of improvements for the intersection of Marin and Masonic. When staff begins designing the project, they will investigate the feasibility of a bulb-out.

Item 5-14: Recreation Supervisor Sid Schoenfeld reported Lyft and Uber services are being used currently and will be allowed in subsequent years.

**MOTION:**

Moved by Council Member Maass, seconded by Council Member Pilch, 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: Brian Beall, Andrew Tang, Lawrence Oelkers, and Allan Maris.

A summary of the comments is as follows: a reminder of primary elections the following day; a preference for ranked choice voting; a request for bicyclists to use the sidewalk rather than construction of a bike lane for the 800 block of San Pablo; the parklet on Solano is beautiful.

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

Council Member Barnes reported he attended the Association of Bay Area Governments/Metropolitan Transportation Committee meeting, where discussions concerned the organization's bylaws and enhancing public safety.

Council Member Maass reported he attended the Waste Management Board meeting where the budget was adopted and priorities for the coming year were discussed. The Alameda County Transportation Commission approved its legislative agenda and discussed federal and state transportation funds and Plan Bay Area 2050. Council Member Maass attended the walking tour of Solano Avenue and the discussion of future changes for Solano Avenue.

Mayor McQuaid reported she attended a Cub Scout meeting, a meeting of Not in Our Town, the Solano Avenue Complete Streets workshop, and the Solano Avenue Art Walk, and cohosted with Vice Mayor Nason and Lieutenant Geissberger a community meeting regarding safety on the BART path. She and Council Member Maass attended the Alameda County Transportation Commission meeting. Along with Council Member Barnes, Mayor McQuaid attended the League of California Cities, East Bay Division, meeting. She and Vice Mayor Nason attended the opening of the new urgent care clinic.

Council Member Pilch reported he attended the Ohlone Greenway safety meeting.

Vice Mayor Nason reported she attended a court hearing in the Lions Club versus City of Albany lawsuit.

City Manager Almaguer reported the Solano Avenue Complete Streets workshop was held May 30. A draft plan for the project is expected to be presented in the fall. Information for summer camps is available on the City's website. Sabrina

White will join the Community Development Department as administrative secretary on June 11.

**8. PRESENTATION**

**9. PUBLIC HEARING**

**9-1. Resolution No. 2018-77 – A Resolution of the Albany City Council Amending the City of Albany Master Fee Schedule and Resolution 2018-81 – A Resolution Amending Albany City Council Administrative Policies for Fee Waivers**

Staff recommendation: that the Council adopt Resolution No. 2018-77 – A Resolution of the Albany City Council amending the City of Albany Master Fee Schedule and Resolution 2018-81 – A Resolution Amending Albany City Council Administrative Policies for Fee Waivers

Community Development Director Jeff Bond presented the staff report. The Master Fee Schedule, which sets forth the costs for City permits, licenses, rentals, fines, and other City services and programs, is updated annually. Duplicative and inconsistent fees have been deleted from the schedule. Fees have been reorganized to match the City's work flow process. Each department uses its own methodology to set fees to correspond with operations. Generally, fees are intended to recover some or all of the cost of providing City services, programs, or facilities. Many fees are adjusted annually based on the Consumer Price Index (CPI). Some fees are set by state law or the Municipal Code or require fee studies.

Staff proposes incorporating into the Council's administrative procedures a policy statement regarding fee waivers. Staff recommends requests for fee waivers be presented to the Council for decision-making and the Council consider four factors in its decision-making. The four factors are whether the event is consistent with a Strategic Plan goal; is open to the general public; is compatible with its location; and has safeguards in place to ensure there are no adverse impacts and the safety of participants and the surrounding community. Staff will provide the Council with an estimate of costs to the City. Proposed changes in fees and fee waivers are expected to result in minor increases for City revenues.

A summary of Council comments is as follows: community groups should be limited to nonprofit and non-political organizations; a suggestion to round fee amounts to whole dollars; a suggestion for staff to provide financial reports and reasons for the Council to grant a fee waiver; a suggestion to add historical background on prior requests for fee waivers; a suggestion to change "community groups" to "local community benefit groups that are not-for-profit and non-political in nature;" a suggestion to refine "political" as an organization that has filed a campaign form.

City Manager Almaguer advised that staff reports would address the four factors in order to provide impartial information to the Council.

**MOTION:**

Moved by Council Member Maass, seconded by Vice Mayor Nason, to adopt Resolution No. 2018-77 – A Resolution of the Albany City Council amending the City of Albany Master Fee Schedule.

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

NOES: none

Motion carried and so ordered.

**MOTION:**

Moved by Vice Mayor Nason, seconded by Council Member Pilch, to adopt Resolution 2018-81 – A Resolution Amending Albany City Council

Administrative Policies for Fee Waivers, with amendments to state "local community benefit groups that are not-for-profit and non-political in nature" and to add the history of fee waivers for the event and for the requesting organization.

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

NOES: none

Motion carried and so ordered.

**10. UNFINISHED BUSINESS**

**10-1. Ordinance No. 2018-02 – Rent Review Program, Second Reading – Pass-to-Print**

Staff recommendation: that the Council adopt Ordinance No. 2018-02 establishing a Rent Review Program – Second Reading – Pass-to-Print

Council Member Pilch recused himself from this item.

Assistant City Manager Isabelle Leduc presented the staff report. Staff revised the ordinance in accordance with the Council's directions and outside counsel's recommendations.

The following persons spoke: Brian Beall, Dee Jacobson, Daniel Winkler, Francesco Papalia, Elain Stelton, David Hertzler.

A summary of the comments is as follows: a rent review program is a good method to improve relations between tenants and landlords; opposition to rent review as it will lead to rent control; the program needs a means test for tenants; concerns about ECHO Housing not presenting information to the Council, the lack of a dollar amount for staff time, the lack of a rationale for a 5% trigger, and the nullification of rent provision; opposition to a rent review program because rents have stabilized and the general public is not interested; the City should build affordable housing rather than implement a rent review program.

A summary of Council comments is as follows: the program is a small step toward stabilizing housing.

**MOTION:**

Moved by Council Member Maass, seconded by Council Member Barnes, to adopt Ordinance No. 2018-02 establishing a Rent Review Program.

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

NOES: none

RECUSED: Council Member Pilch

Motion carried and so ordered.

**10-2. School Crossing Guard Program Contract Proposal**

Staff recommendation: that the Council:

1. Authorize the City Manager to engage in discussions and negotiate, as appropriate, with All City Management Services (ACMS) to provide crossing guard services for the 2018/2019 school year; and
2. Provide direction to staff regarding the preferred funding allocation for the crossing guard services program, to be incorporated into the Fiscal Year 2018/2019 budget, including consideration of funding a portion of the program costs with proceeds from the Sugar Sweetened Beverage tax

Police Chief Mike McQuiston presented the staff report. The current expenditure plan for sugar-sweetened beverage tax revenues proposes allocating \$200,000 for installation of water bottle filling stations and educational and physical activity programs. Sugar-sweetened beverage tax revenues currently total \$290,885.

All City Management Services' (ACMS) proposes a cost not to exceed \$124,076 for six crossing guard positions. ACMS focuses solely on providing contracted school guards and related school safety services, has successfully transitioned more than 100 publicly managed crossing guard programs to private management, and serves more than 250 clients nationwide. ACMS is the only company operating in the Bay Area exclusively as a crossing guard company. Security companies in the region may provide crossing guards; however, they do not have the experience, expertise, or client base possessed by ACMS. Several cities and school districts in the Bay Area and the County of Alameda contract services from ACMS.

If approved, contract provisions would require ACMS to conduct recruitment, background clearances, and training; maintain insurance; and provide equipment, supervision, and management of the crossing guard program. ACMS prefers to hire local crossing guards who meet ACMS' hiring guidelines. Contracting with ACMS would benefit the City by providing better training for crossing guards, reducing the City's liability risk, relieving the City of personnel and program administration, staffing crossing posts, and allowing Police Department staff members to return to their police duties. On May 29, 2018, the City notified Services Employees International Union (SEIU) of the City's proposal to contract



crossing guard duties. The salary and benefit costs for six crossing guard positions staffed with City employees through the end of fiscal year 2018-2019 is approximately \$82,000, but that amount does not include administrative overhead costs.

The following persons spoke: Brian Beall and Kathy Diehl.

A summary of the comments is as follows: support for using sugar-sweetened beverage tax revenues for the crossing guard program; if the tax revenues decline over time, then the crossing guard program will take a higher and higher percentage of tax revenues.

A summary of Council comments is as follows: the City's costs for administering the program and filling posts for absent crossing guards is likely more than \$40,000; installing water bottle filling stations is the best use of the tax revenues; a preference to find alternate funding for the crossing guard program in subsequent years; a suggestion to prioritize allocation of the tax revenues for water bottle filling stations first, the school crossing guard program second, and other programs third; a suggestion for the City to pay for the crossing guard program for two years and require the Albany Unified School District (AUSD) to place a parcel tax measure on the 2020 ballot to pay for the program; a request for information concerning penalties when a crossing guard post is left vacant or Police Department staff are required to fill in and the contractor's salary and benefits for crossing guards; the tax revenues should be used to address the public health issues caused by soda; a preference for allocating only \$40,000 of the tax revenues for the crossing guard program; a suggestion for the Council to review the crossing guard program at the end of one year; a suggestion to continue conversations with AUSD regarding a parcel tax, which could pay for the crossing guard program; staff should negotiate a contract provision that penalizes the contractor if a crossing guard post is vacant due to an absence; the Council can adjust funding for the crossing guard program during budget hearings or review of the program.

**MOTION:**

Moved by Vice Mayor Nason, seconded by Mayor McQuaid, to authorize the Police Chief and City Manager to engage in discussions and negotiations, as appropriate, with All City Management Services for crossing guard services for the 2018-2019 school year with funding to be drawn from Sugar-Sweetened Beverage Tax revenues up to the availability of funds; and to direct staff to prioritize the allocation of sugar-sweetened beverage tax revenues for water bottle filling stations first, the crossing guard program second, and fitness campaign projects third, and to direct staff to return in one year for a review of the program.

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**

**12-1. Upcoming City Events**

American Red Cross Blood Drive – Tuesday, June 5, 9:30 AM, Community Center

Bike About Town, Friday, June 15, 6:30 PM, Bikes on Solano 1554 Solano Avenue

**12-2. Upcoming City Meetings**

Social & Economic Justice Commission, Date/Location to be determined due to Direct Primary Election

Economic Development Committee, Thursday, June 7, 5 PM, City Hall Council Chamber

Arts Committee, Monday, June 11, 7 PM, City Hall Council Chamber

Planning & Zoning Commission, Wednesday, June 13, City Hall Council Chamber

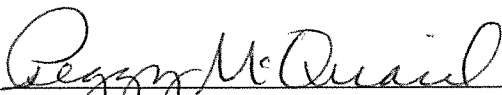
Parks & Recreation Commission, Thursday, June 14, 7 PM, City Hall Council Chamber

City Council, Monday, June 18, 7:30 PM, City Hall Council Chamber

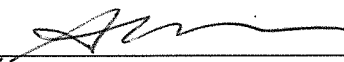
**13. ADJOURNMENT**

9:34 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Catherine Tubbs, wife of retired Fire Chief Tubbs, and the mother of retired City Clerk Jackie Bucholz.

Minutes submitted by Anne Hsu, City Clerk.

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

Attest:

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