



ALBANY CITY COUNCIL – MINUTES
City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA
Monday, September 4, 2018
Tuesday

Date Approved September 17, 2018

6:00 p.m.

CLOSED SESSION

1. CALL TO ORDER

2. 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:

- 2-1.** Executive session pursuant to Government Code Section 54957 to discuss Public Employee Performance Evaluation:

Public Employee: Nicole Almaguer, City Manager

- 2-2.** Conference with Labor Negotiators pursuant to Government Code Section 54957.6.

City Negotiating Representative: Mayor Peggy McQuaid
Unrepresented Employee Position: City Manager

- 2-3.** Labor Negotiations pursuant to Government Code Section 54957.6

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

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

1. CALL TO ORDER AND 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



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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 16, 2018

Staff recommendation: Approve

5-2. Ratification of Payroll

- a. Payroll Period: 7/20/2018; Net Payroll: \$311,262.30; Taxes, Benefits, Withholdings: \$317,698.47; Total: \$628,960.77
- b. Payroll Period: 8/3/18; Net Payroll: \$303,442.07; Taxes, Benefits, Withholdings: \$309,961.80; Total: \$ 613,403.87
- c. Payroll Period: 8/17/2018; Net Payroll: \$312,004.60; Taxes, Benefits, Withholdings: \$316,396.98; Total: \$628,401.58
- d. Payroll Period: 8/31/2018; Net Payroll: \$316,887.06; Taxes, Benefits, Withholdings: \$247,722.84; Total: \$564,609.90

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: \$264,173.86 (7/13/18), \$243,366.21 (7/20/18), \$50.00 (7/24/18), Wire Transfer \$2,300 (7/24/18), \$356,409.94 (7/27/18), \$2,500 (7/27/18), Wire Transfer \$7,130.09 (8/2/18), \$205,694.03 (8/3/18), Wire Transfer \$29,298.71 (8/7/18), \$1,194,509.75 (8/10/18), \$79,403.84 (8/17/18), Wire Transfers \$1,274,237.62 (8/22/18), \$733,486.50 (8/24/18)

Staff recommendation: Ratify

5-4. Ratification of Police and Fire Pension Board Payments: May 2018 – \$104,304.82; June 2018 – \$104,304.82; July 2018 – \$104,304.82

Staff recommendation: Ratify

5-5. Vacancies in Committees/Commissions: Terra Baer (Social & Economic Justice Commission, Council Member Pilch), Ron Golem (Sustainability Committee, Council At Large Appointment)

Staff recommendation: Informational only

5-6. Mayor McQuaid recommends applicant Eric Larsen to the Council At Large vacancy on the Sustainability Committee

Mayor McQuaid recommendation: Council Ratify Appointment



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5-7. Proclamation in Honor of No Hate Week

Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of No Hate Week

5-8. Proclamation in Honor of National Suicide Prevention Awareness Month

Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of National Suicide Prevention Awareness Month

5-9. Resolution in Honor of Albany Police Lieutenant Daniel Adams Upon his Retirement from Service

Staff recommendation: that the Council adopt Resolution No. 2018-107 in honor of Albany Police Lieutenant Daniel Adams upon his retirement from service

5-10. Resolution in Support of Measure FF

Mayor McQuaid recommendation: that the Council adopt Resolution No. 2018-104 in support of Measure FF as presented by the East Bay Regional Park District

5-11. Letter of Support - HR 6649

Mayor McQuaid recommendation: that the Council authorize submittal of the letter of support

5-12. Letter of Opposition – Bureau of Cannabis Control Proposed Regulations Bureau of Cannabis Control

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

5-13. Resolution in Support of Protecting our Ocean and Coast from Offshore Drilling, Exploration and Fracking

Mayor McQuaid & Vice Mayor Nason recommendation: that the Council adopt Resolution 2018-102 in support of protecting our ocean and coast from offshore drilling, exploration and fracking

5-14. Declaration of Shelter Crisis – Homeless Emergency Assistance Program (HEAP)

Staff recommendation: that the Council adopt Resolution No. 2018-110 declaring a shelter crisis pursuant to SB 850 to be eligible to participate in the Homeless Emergency Aid Program (HEAP)

5-15. Adoption of Update to the Appropriation Limit – Resolution No. 2018-103 Establishing the Appropriations Limit for the 2018-19 Fiscal Year



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Staff recommendation: that the Council adopt Resolution No. 2018-103 establishing the 2018-2019 Appropriation Limit at \$21,802,682

- 5-16.** Renewal of Lease Agreement with Albany Preschool for use of the City building at 850 Masonic Avenue

Staff recommendation: that the Council adopt Resolution No. 2018-87, authorizing the City Manager to execute a lease agreement with Albany Preschool for use of the City building at 850 Masonic Avenue

- 5-17.** Memorial Park Memorial Tree and Plaque

Staff recommendation: that the Council approve a "Gift to the City" (AMC 2-27.8) of a memorial tree and plaque, in honor of Joey Morse, at Memorial Park

- 5-18.** Statement of Purpose to Reduce Diesel Emissions

Staff recommendation: that the Council authorize the Mayor to sign the Statement of Purpose committing to take steps to eliminate diesel emissions by 2033

- 5-19.** Resolution No. 2018-111 Authorizing the City Manager to Enter into Amendment of Agreement #1 to Contract C16-28 with Phillips Seabrook Associates for Community Development Department Project Review and Inspection Services

Staff recommendation: that the Council adopt Resolution No. 2018-111 authorizing the City Manager to Enter into Amendment of Agreement #1 to Contract C16-28 with Phillips Seabrook Associates for Community Development Project Review and Inspection Services

- 5-20.** Award of Contract for Engineering Services

Staff recommendation: that the Council adopt Resolution No. 2018-108, authorizing the City Manager to award Contract C19-15 to CSG Consulting in the amount of \$230,880 for staff augmentation services for a term of one year using funds previously appropriated for CIP Project 32000 in FY 17/18

- 5-21.** CIP No. 66000 Public Works Fleet Replacement, Equipment Purchase

Staff recommendation: that the Council adopt Resolution 2018-109 authorizing the City Manager to modify the scope of CIP No. 66000 to include purchase of towable wash unit and a new lawn mower and trailer and purchase these equipment in the not-to-exceed amount of \$25,000 using previously appropriated funds for CIP No. 66000 in FY18/19

- 5-22.** CIP No. 66000 Public Works Fleet Replacement – Purchase of a 2018 Ford F-550



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Staff recommendation: that the Council adopt Resolution No. 2018-99 authorize the City Manager to purchase a 2018 Ford F-550 as detailed in Attachment 1 from Downtown Ford in Sacramento for a not to exceed price of \$61,424.66 using funds previously appropriated for CIP Project No. 66000 in FY18/19

- 5-23.** CIP Project 22000 Annual Sidewalk Rehabilitation, Sidewalk Rehabilitation Phase 2 Contract Change Order

Staff recommendation: that the Council adopt a Resolution No. 2018- 106 authorizing the City Manager to execute Contract Change Order No. 2 to Contract C18-35 with Villalobos & Associates in the not-to-exceed amount of \$321,040 from previously appropriated funds for CIP Project No 22000 in FY17/18

- 5-24.** Approval of Change Order No. 1 to Contract C18-58: Sewer Flushing and Filming

Staff recommendation: that the Council adopt Resolution No. 2018-112 authorizing the City Manager to approve Contract Change Order No 1 to Contract C18-58, which adds root removal and related services to the contract scope, in the amount of \$21,416.66 from previously appropriated funds for sewer operations

Mayor McQuaid asked if anyone wished to remove an item from the consent calendar. Mayor McQuaid removed items 5-7, 5-9, and 5-17. Vice Mayor Nason removed items 5-12 and 5-14. Council Member Pilch removed items 5-18 and 5-23.

Item 5-7: Mayor McQuaid read Albany Unified School District Superintendent Valerie Williams' letter in support of the proclamation for No Hate Week.

Item 5-9: Mayor McQuaid thanked Police Lieutenant Daniel Adams for his many years of service to the City.

Item 5-12: Vice Mayor Nason expressed concern about opposing home delivery of cannabis because an ill or homebound person may not be capable of obtaining cannabis without home delivery.

Item 5-14: City Manager Nicole Almaguer reported the amount of funding for each city has not been determined. The most recent point-in-time count of the City's homeless population totaled 66; however, a point-in-time count will be conducted annually. Assistant City Manager Isabelle Leduc added that the Council could continue the item to the next September meeting to allow staff time to obtain additional clarification from the County. Council directed staff to return with modified language to the resolution.

Item 5-17: Mayor McQuaid and Council Member Pilch recused themselves from a vote on the item due to Mayor McQuaid being the donor and Council Member Pilch's residence proximity to the project.



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Item 5-18: Council Member Pilch understood clean diesel fuel and fuel cell technology could be available by the implementation date; however, he could support a recommendation from the Bay Area Air Quality Management District

Item 5-23: Public Works Director Mark Hurley related staff's efforts to coordinate sewer and sidewalk projects and to publicize the list of sidewalk repair locations for the community. Members of the community can utilize the service request form on the City's website to request information about sidewalk repairs at specific addresses. The City's website also has a graphic which depicts the sewer lines for which the property owner is responsible.

The following person spoke: Serita Sarvate.

A summary of the comments is as follows: the need for City staff to better communicate information about City projects and the need to coordinate City projects with property owners' projects (item 5-23).

A summary of Council comments is as follows: opposition to adoption of Resolution No. 2018-110 based on the inaccurate number of homeless people stated in the resolution; each city should decide whether home delivery of cannabis is appropriate; a question as to whether the City could ban delivery of cannabis; the Bureau of Cannabis Control is attempting to supersede state law; the City should not take a position on home delivery of cannabis.

MOTION (ITEM 5-12):

Moved by Mayor McQuaid, seconded by Council Member Barnes, to authorize submittal of a letter of opposition regarding cannabis delivery.

AYES: Council Member Barnes, Mayor McQuaid

NOES: Council Members Maass and Pilch, Vice Mayor Nason

Motion failed, the letter will not be sent.

MOTION (ITEM 5-17):

Moved by Council Members Barnes, seconded by Vice Mayor Nason, to approve a "Gift to the City" (AMC 2-27.8) of a memorial tree and plaque in honor of Joey Morse at Memorial Park.

AYES: Council Members Barnes and Maass, Vice Mayor Nason

NOES: None

RECUSED: Council Member Pilch, Mayor McQuaid

Motion carried and so ordered.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Maass, to approve the Consent Calendar with the exception of items 5-12, 5-14, and 5-17.

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

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

There were no comments from the public.



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

Council Member Maass reported his and Mayor McQuaid's attendance at an emergency meeting of the Alameda County Transportation Commission regarding a project at the Port of Oakland.

Vice Mayor Nason reported she and Mayor McQuaid attended meetings of the Alta Bates Task Force regarding efforts to retain emergency and hospital services in the community and the East Bay Regional Park District regarding potential amendment of the Memorandum of Understanding (MOU) between it and the City.

Council Member Pilch reported his attendance at National Night Out activities and at meetings of the East Bay Community Energy Board regarding pending legislation and the League of California Cities regarding state ballot measures.

Mayor McQuaid reported she hosted a quarterly meeting of community leaders, registered for Mayors for Our Lives, and attended United Against Hate Week meetings, a Pension Board meeting, the Chamber Mixer, a ride-along with the Albany Police Department, a Community Emergency Response Team (CERT) training, an Everyone Home Board meeting, the City of Berkeley's Regional Climate Town Hall, and Let's Talk. In addition, she met with the governmental affairs liaison for Alameda Alliance for Health. Vice Mayor Nason and Mayor McQuaid met with the President and Vice President of the Albany Unified School District Board of Education and Senator Skinner and attended several meetings of the League of Women Voters.

City Manager Almaguer reported the Evelyn Street paving project is complete. The first phase of sidewalk repairs is complete, and a contract for phase II work was on the consent calendar. The 2018 sewer rehabilitation project is approximately 25 percent complete. Staffing in the Public Works Department is now at full strength. The Albany Police Department will be the first department in the state to participate in LGBT awareness training and report on its effectiveness. All tickets for the September 29th Dinner With Albany have been sold out in record time. The City's website will have updates regarding Local Week. Music in the Park begins September 5 and occurs every Wednesday in September at Memorial Park. The Solano Complete Streets pop-up event is scheduled for September 22. The election is November 6, 2018, and the City's website contains the full text of all ballot measures as well as arguments for and against the measures. The City welcomes 2 recently hired employees: Heather Rowden as Finance Director and Sid Schoenfeld as Neighborhood Services Manager.

8. PRESENTATION

9. PUBLIC HEARING

9-1. Proposed Amendments to Chapter 5, Section 5-24 of the Albany Municipal Code, Tobacco Retailer License, to Prohibit the Sale of Flavored Tobacco Products

Staff recommendation: that the Council Introduce for first reading Ordinance No. 2018-08 approving amendments to Section 5-24 "Tobacco Retailer License" of the Albany Municipal Code to prohibit the sale of flavored tobacco products



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City Manager Almaguer presented the staff report. The ordinance is part of the City Council's Strategic Plan. In effect, the ordinance will ban flavored tobacco products. Staff has revised the ordinance to include a six-month grace period. Notification was sent to vendors in August. The Albany Police Department will enforce the ordinance.

Mayor McQuaid read a letter from AUSD Superintendent Williams into the record in support of the City to minimize the availability of these products to our youths.

The following persons spoke: Allen Cain, Steve Mauikhong, Ben Zicherman, Eileen Lewis, Chris Wang, Renu Sikand, and Ann Sekhon.

A summary of comments is as follows: concern about the lack of public notice regarding the ordinance; opposition to the ordinance because the ordinance will be detrimental to local businesses, local businesses do not sell tobacco products to minors, flavored tobacco products are a smoking cessation tool, and products will continue to be available online; a request for a grandfather clause for existing businesses that sell flavored tobacco products.

A summary of Council comments is as follows: flavored tobacco products are a gateway product to smoking cigarettes; adults likely purchase tobacco products for minors; support for banning the sale of flavored tobacco products; perhaps a medical prescription for tobacco products as a means to stop smoking would be appropriate; concern about the lack of communication regarding the ordinance; a preference for additional public outreach and input; a suggestion for the Council to consider actions other than a ban of flavored tobacco products.

The Council reached consensus to continue the item and directed staff to prepare for a Council Study Session.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. Resolution No. 2018-105, adopting the Updated City Council Administrative Policies

Staff recommendation: that the Council adopt Resolution No. 2018-105, approving an update to the City Council Administrative Policies to include a policy to evaluate options for inclusion of a low-income exemption for home owners and rebate for renters for any future tax levied on real property, and any franchise agreement

City Manager Almaguer presented the staff report. The Strategic Plan contains a goal of establishing a policy to evaluate options for inclusion of a low-income exemption for homeowners and a rebate for renters in any future taxes or franchise agreements. The resolution would be incorporated into the City Council Administrative Policies. The resolution contains a procedure for implementing the policy for future taxes. An exemption and a rebate were included in the 2016 sidewalk parcel tax as well as the proposed parcel tax on the November 2018 ballot.

The following person spoke: Preston Jordan.



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A summary of comments is as follows: the policy should be adopted so that taxes and franchise agreements are equitable.

A summary of Council comments is as follows: support for formalizing the policy.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Maass, to adopt Resolution No. 2018-105, approving an update to the City Council Administrative Policies to include a policy to evaluate options for inclusion of a low-income exemption for home owners and a rebate for renters for any future tax levied on real property and any franchise agreement

AYES: Council Members Barnes, Maass, and 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

Music in the Park, September 5, 12, 19, and 26, 6:30 PM – 8:00 PM, Memorial Park

Solano Avenue Stroll, September 9, 10 AM – 5 PM, Solano Avenue

Coastal Cleanup Day, September 15, 9 AM – 12:30 PM, Albany Beach

Albany Local Week Events, September 21 - 29, various location throughout the City

Food Truck Friday, September 21, 5 PM – 8 PM, Albany Community Center

Bike About Town!, September 21, 6:30 PM, meet @ Bikes on Solano (1554 Solano)

Friends of Albany Parks Clean-up Day – Creekside Park, September 22, 9 AM – 12 noon,
Creekside Park – El Cerrito Entrance (3499 Santa Clara Ave. El Cerrito)

Clothing Swap-O-Rama-Rama, September 22, 1 PM – 5 PM, Albany Community Center

As You Wish Block Movie Night, September 22, 7:30 PM – 10 PM, Cornell Avenue at Solano Avenue.

The Marin Monster 10K, September 23, 8 AM – 11 AM, meet @ Albany Community Center

Local Garden Swap, September 25, 6:30 PM – 7 PM, Albany Community Center patio

Dinner With Albany, September 29, 5:30 PM – 9:30 PM, Lower Solano between San Pablo and Evelyn.

12-2. Upcoming City Meetings



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Social & Economic Justice Commission, Wednesday, September 5, 6:30 PM, City Hall Council Chambers

Economic Development Committee, Thursday, September 6, 5 PM, City Hall Council Chambers

Arts Committee, Monday, September 10, 7 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesday, September 12, City Hall Council Chambers

Parks & Recreation Commission, Thursday, September 13, 7 PM, City Hall Council Chambers

City Council, Monday, September 17, 7:30 PM, City Hall Council Chambers

13. ADJOURNMENT

9:25 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Senator John McCain, Congressman Ron Dellums, George Kiraly, Nasim Ghanaden, and Bud Read.

Minutes submitted by Anne Hsu, City Clerk.

Peggy McQuaid
Mayor

Attest:

Anne Hsu, City Clerk