



**ALBANY CITY COUNCIL – MINUTES**  
City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, September 17, 2018

Date Approved: October 1, 2018

**6:30 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.** Conference with Legal Counsel to discuss Pending Litigation pursuant to Government Code Section 54956.9(d)(1).

Name of Case: Saraswati v. City of Albany et al. (United States District Court Case No. 3:17-cv-04940)

- 2-2.** Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – Claim filed by Andrew Galpern.

**ADJOURNMENT**

**7:30 p.m.**

**REGULAR MEETING**

- 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE**  
Council Member Pilch led the Pledge of Allegiance.
- 2. ROLL CALL**  
Present: Council Members Maass and Pilch, Vice Mayor Nason, Mayor McQuaid  
Absent: Council Member Barnes
- 3. CEREMONIAL MATTERS**

Mayor McQuaid read the following statement:

The cross on Albany Hill was recently lit by the Albany Lions Club to commemorate September 11th. I want to reiterate that neither the City Council nor the City of Albany endorses in any way the lighting of the cross for any occasion, religious or nationalistic, or supports its continued presence on public property. We continue to work through the judicial system for a resolution. We appreciate the input and support received to date from the public and encourage you to continue respectfully sharing your concerns with the Lions Club as well as the City Council.

- 4. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**  
Mayor McQuaid reported the Council gave direction to staff.



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### **5. CONSENT CALENDAR**

**5-1. Minutes, September 4, 2018**

Staff recommendation: Approve

**5-2. Ratification of Payroll - Payroll Period: 8/31/2018 – was reported & ratified on last agenda**

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: Wire Transfers \$457,533.30 (8/30/18), \$176,389.28 (8/31/18)**

Staff recommendation: Ratify

**5-4. Council Member Pilch Appointment of Gregory Downs to the Social & Economic Justice Commission**

Staff recommendation: Informational

**5-5. Letter of Support – Rulemaking 17-06-026 Proposed Decision**

Council Member Pilch and Mayor McQuaid Recommendation: that the Council note and file the letter as submitted

**5-6. CIP No. 21000/24009 Washington Ave Traffic Calming and Paving - Award of Contract for Engineering Services**

Staff recommendation: that the Council adopt Resolution No. 2018-115 authorizing the City Manager to award Contract C19-18 to Kittleson & Associates, Inc. in the amount of \$44,570 for engineering design services to support the Washington Avenue Traffic Calming and Paving project, for design services which includes paving the section of Washington between Pierce Street and Cerrito Street, using funds previously appropriated for CIP Project 24009 (traffic calming) in FY 17/18 and 18/19. and CIP Project 21000 in FY18/19 (paving)

**5-7. Approval of Joint Exercise of Powers Agreement Establishing and Governing Operation of the Collection System Technical Advisory Committee and Related Side Agreement**

Staff recommendation: that the Council adopt Resolution 2018-114 authorizing the City Manager to execute the Joint Exercise of Powers Agreement establishing the Collection System Technical Advisory Committee and related Defendants' Side Agreement

**5-8. Declaration of Shelter Crisis - Homeless Emergency Assistance Program (HEAP)**



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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)

### 5-9. Contract Change Order to Contract C18-9 - 2018 Albany Hill Eucalyptus Tree Removal

Staff recommendation: that the Council adopt Resolution 2018-116 authorizing the City Manager to execute Change Order No. 1 to Contract C18-9 in the amount of \$10,150 using previously appropriated funds in the FY 18/19 Public Works operating budget

### 5-10. Award of Contract No. C18-39 – 2018 San Pablo Tree Pruning

Staff recommendation: that the Council adopt Resolution 2018-117 authorizing the City Manager to award Contract No C18-39 to Professional Tree Care Company in the not-to-exceed amount of \$39,100 to perform maintenance pruning of 80 trees along San Pablo Avenue using previously appropriated funds within the FY18/19 Public Works Department operating budget

Mayor McQuaid asked if anyone wished to remove an item from the consent calendar. Council Member Pilch and Mayor McQuaid removed items 5-6 and 5-9 respectively.

Item 5-6: Capital Project Manager Robert Gonzales reported the northern sidewalk on Washington between Gateview and Polk will not be closed during construction because on-street parking is prohibited in that area. A provision of the design contract can explicitly state that fact, and staff can highlight the fact when the project is presented for design review. The Council gave direction to staff to include in the contract explicit language regarding closure of the northern sidewalk and to hold additional outreach with neighbors.

Item 5-9: Public Works Director Mark Hurley advised that plans for vegetation management, invasive species removal, and tree work for Albany Hill will be presented to the Parks and Recreation Commission in October of each year. A number of trees are slated for removal from Albany Hill because of conflicts with the project and requests from the Albany Fire Department. The Monarch butterfly expert will comment on all tree removal. He was not aware of any grants for tree removal, but staff could investigate grant opportunities.

The following persons spoke: Michael Gold, Colby Scott, Deb Den Herder.

A summary of the comments is as follows: the staff report for item 5-6 contains a typographical error, awkward language regarding red curbs, and ambiguous language; the contract for item 5-6 should state the City will price the accommodations and price the alteration without the accommodations; neighbors want to provide more input into the project for item 5-6.

Capital Project Manager Gonzales explained that staff added paving and striping elements to the Washington Avenue Traffic Calming and Paving project, which increased the overall project cost and triggered ADA requirements for ramps. Staff crafted the scope of work based on comments made during the January and February Council meetings. The type of repaving work has not been determined and will depend on the condition of the street. In response to the Traffic and Safety Commission's request for staff to prioritize paving Washington, staff included it in the



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project. Staff has spoken extensively with the neighborhood; however, the Council can direct staff to hold additional outreach with the neighborhood at the beginning of the contract. Community Development Director Jeff Bond added that the planning process began in 2011, and the project was presented to the Traffic & Safety Commission numerous times. With the number of issues around the project, one solution will not satisfy everyone.

A summary of Council comments is as follows: support for continuing item 5-6; having the public comments in writing and a clear understanding of the conflict between staff's and neighbors' expectations of the project would be beneficial; additional outreach to the neighbors should clarify the project and associated documents; support for approving item 5-6 and holding an additional conversation with the neighborhood as the project progresses; support for looking into grants for tree removal.

### **MOTION:**

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

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

NOES: Council Member Barnes

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: Leah Burrell, Peter Campbell, Brian Beall, Tim Acock.

A summary of the comments is as follows: concerns about the level of education required for and the temporary nature of the neighborhood services coordinator position; stop signs should be installed in the medians of the three intersections north of the Key Route/Solano intersection; support for Charlie Blanchard, Sara Hinkley, and Brian Doss as candidates for the Albany Unified School District Board of Education; candidates for the position of neighborhood services coordinator should be highly qualified, confident, and knowledgeable of homeless and housing issues.

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

Mayor McQuaid announced a Coffee with Cops is planned for September 18 at 8:00 a.m.

Council Member Pilch reported he attended one day of the League of California Cities meeting, where the Environmental Quality Policy Committee considered a resolution regarding anti-coagulant rodenticides and local control of pesticide use. He also attended the Chamber mixer.

Council Member Maass reported he attended meetings of the Programs and Projects Committee of the Alameda County Transportation Commission (ACTC), which discussed an expansion of the BART station at Bay Fair in San Leandro; the Housing Authority of Alameda County, which afforded scholarships to 17 applicants and adopted a Continuity of Operations Plan; and the Alameda County Recycling Board.



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Mayor McQuaid reported she attended a Music in the Park event, the Chamber mixer, the Shoreline cleanup, the Yellow Command VIP tour of the Fremont shelter and the Alameda County Emergency Operations Center (EOC), an ACTC subcommittee meeting regarding the 580 and 680 freeways, the League of California Cities meeting, and the Tri-City Safety Day.

City Manager Nicole Almaguer reported events are planned for the upcoming Albany Local Week. The Solano Avenue Complete Streets pop-up event is scheduled for September 22. The next Community Emergency Response Team (CERT) course begins September 25 and runs through November 13. The art installation on the Greenway is underway. On September 27, the Traffic and Safety Commission will discuss Complete Streets planning for San Pablo and Washington Avenues. The public can register for email notification of events on the City's website.

### 8. PRESENTATION

### 9. PUBLIC HEARING

#### 9-1. Resolution No. 2018-118 Amending 2018-19 Master Fee Schedule

Staff recommendation: that the Council adopt Resolution No. 2018-118 – A Resolution of the Albany City Council amending the City of Albany Master Fee Schedule for various permits, services and fines effective September 18, 2018

Community Development Director Jeff Bond presented the staff report. The Master Fee Schedule consolidates the various fees, fines, and penalties associated with the Municipal Code into one document. The Master Fee Schedule is updated at least once a year, and the Council last updated it on June 4, 2018. The proposed Master Fee Schedule contains new fees for the electric vehicle charger and rent review programs and corrections.

The following person spoke: Peter Campbell.

A summary of comments is as follows: Albany Property Rights Advocates objects to the fee on rental property owners and believes the exemptions for low-income residents should apply to low-income owners of rental property.

A summary of Council comments is as follows: a question of whether a fee should apply to Uber and Lyft drivers; fees for rental property owners will be reviewed in a year and possibly revised.

#### **MOTION:**

Moved by Council Member Pilch, seconded by Vice Mayor Nason, to adopt Resolution No. 2018-118 – A Resolution of the Albany City Council amending the City of Albany Master Fee Schedule for various permits, services and fines effective September 18, 2018.

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

NOES: Council Member Barnes

The motion carries and is so ordered.

### 10. UNFINISHED BUSINESS

### 11. NEW BUSINESS



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- 11-1.** Resolution 2018-113 Authorizing the City Manager to execute the Exclusive Negotiating Agreement and enter into an exclusive agreement between the City of Albany and Satellite Affordable Housing Associates for an affordable housing project at Cleveland Ave. and Washington Ave.

Staff recommendation: that the City Council adopt Resolution 2018-113 authorizing the City Manager to execute the Exclusive Negotiating Agreement (ENA) between the City of Albany and Satellite Affordable Housing Associates

Planning Manager Anne Hersch presented the staff report. The City and Satellite Affordable Housing Associates (SAHA) have reached an agreement to develop an affordable housing project at Cleveland and Washington. Caltrans transferred ownership of the site to the City in 2011. The City designated the site as high density residential. The site is feasible for an affordable housing development. The Council discussed the potential transfer and development of the site on February 5, 2018, April 2, 2018, and June 18, 2018. Property lines have not been determined; however, staff anticipates the site will contain approximately an acre for the development. Terms of the Exclusive Negotiating Agreement (ENA) provide a 24-month period for negotiating the terms of a Mutually Accepted Disposition and Development Agreement with substantial progress occurring in the initial 12 months and two potential six-month extensions. Staff and SAHA will provide a community engagement plan within 30 days of the ENA execution date. Within 45 days, SAHA will provide a title report, adequacy determination, and reports to determine site feasibility for development. Within 90 days, SAHA will identify title objections, prepare a preliminary conceptual plan, and make a physical adequacy determination. Beyond 90 days, SAHA will prepare a financial analysis, and staff and SAHA will determine project entitlements. The housing affordability and population served for the development have not been determined. A planning application will be filed and the review process will begin at some point in the future. The project will be eligible for funding from the County housing bond.

Susan Friedland, Executive Director of Satellite Affordable Housing Associates, reported SAHA has created more than 65 affordable housing communities, primarily in Oakland and Berkeley. SAHA has considerable experience in partnering with cities to obtain affordable housing goals. At the current time, the number of units and population type for the development are unknown. Veterans can be included in the potential population types.

The following persons spoke: Brian Beall, Julie Wakelee-Lynch, Leah Burrell, Tim Acock.

A summary of comments is as follows: support for affordable housing and execution of the ENA; encouragement for the City to work with the neighborhood to obtain its agreement to the project.

A summary of Council comments is as follows: appreciation for the collaboration between staff and SAHA; hopes that staff and SAHA will maximize the use of the site in an effort to house as many people as possible.

### **MOTION:**

Moved by Mayor McQuaid, seconded by Vice Mayor Nason, to adopt Resolution 2018-113 authorizing the City Manager to execute the Exclusive Negotiating Agreement (ENA) between the City of Albany and Satellite Affordable Housing Associates.



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

NOES: Council Member Barnes

Motion carried and so ordered.

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

#### 12-1. Upcoming City Events

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

Albany Local Week Events, September 21 - 29, various locations 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

Sustainability Committee, Wednesday, September 19, 7:30 PM, City Hall Council  
Chambers

Library Board Special Meeting, Monday, September 24, 6 PM, Albany Library Edith Stone  
Room

Charter Review Committee Meeting, Monday, September 24, 7:30 PM, City Hall Council  
Chambers

Planning & Zoning Commission, Wednesday, September 26, City Hall Council Chambers

Traffic & Safety Commission, Thursday, September 27, 7 PM, City Hall Council  
Chambers



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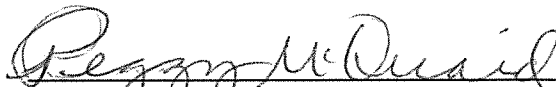
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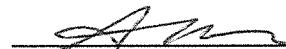
**13. ADJOURNMENT**

8:36 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

  
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Peggy McQuaid  
Mayor

Attest:

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