



**ALBANY CITY COUNCIL – MINUTES**  
City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, March 18, 2019

Date Approved April 1, 2019

7:30 p.m.

**REGULAR MEETING**

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

Mayor Nason read the following statement:

The events of Friday in Christchurch, New Zealand, were profoundly shocking even in an age as afflicted by terrorism and hate as our own. On Saturday night, Chief Geissberger and I were honored to attend an interfaith vigil hosted by the Pacifica Institute, an organization based here in Albany that seeks to build connections between people of its own Islamic faith tradition and others so that the sharing of insights and understanding can create real opportunities for mutual respect and appreciation. Prayer leaders from Islamic, Jewish, Christian, and Buddhist traditions joined to mourn the lives of 50 people murdered while at prayer, and we offered Albany's support and reiterated the strength of its commitment to be a welcoming and safe community for all. Since Friday, at least two more attacks, one in the Netherlands and one in the West Bank, have already taken several more lives.

How do we face what is happening in our world? We can and we must examine many facets of policy from the availability of guns to the popularity of websites spewing hate to the resurgence of white supremacy. I believe we also need to keep in mind that, as it is said, the line between good and evil runs through every human heart. If that is so, then we must consciously work to keep ourselves and the groups to which we belong working from the good side of our natures and be vigilant to avoid turning towards any dehumanization of people viewed as others as such dehumanization far too often finds its ultimate expression in violence.

Vice Mayor McQuaid led the Pledge of Allegiance.

**2. ROLL CALL**

Present: Council Members Barnes, Maass, and Pilch, Vice Mayor McQuaid, Mayor Nason  
Absent: None

**3. CEREMONIAL MATTERS**

**3-1. Proclamation – American Red Cross Month**

Council Member Pilch presented the Proclamation to representatives of the American Red Cross.

**3-2. Certificate of Recognition – Hotsy Totsy Club 80th Anniversary**

Mayor Nason presented a Certificate of Recognition to representatives of the Hotsy Totsy Club.

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



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### 5. CONSENT CALENDAR

#### 5-1. Minutes, March 4, 2019

Staff recommendation: Approve

#### 5-2. Ratification of Payroll – Payroll Period: 3/1/19; Net Payroll: \$327,280.79; Taxes, Benefits, Withholdings: \$320,833.21; Total: \$648,114.00

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: \$276,622.53 (3/1/19), \$2,834.80 (3/5/19), \$606,733.77 (3/8/19)

Staff recommendation: Ratify

#### 5-4. Advisory Body Changes

1. Charter Review Committee Appointment: Paul Giganti (Barnes)
2. Economic Development Committee Opening: Mary Nason (Lois Brown resignation)

Staff recommendation: Informational

#### 5-5. Comment Letter – SB 1383 Proposed Regulation Released January 2019

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

#### 5-6. Ordinance No. 2019-03 Second Reading to Consider Amendments to Section 20.24.020 "Site Regulations by District: Residential Table 2. A" & Section 20.24.020 "Site Regulations by District: Non-Residential Table 2. B"

Staff recommendation: that the Council adopt Ordinance No. 2019-03 approving amendments to Section 20.24.020 "Site Regulations by District: Residential Table 2. A" & Section 20.24.020 "Site Regulations by District: Non-Residential Table 2. B" of the Albany Municipal Code - Second Reading - Pass to print

#### 5-7. Waiver of formal bids and authorization to enter into a 36-month agreement with ISC-Imager Software, Inc. for the purchase of a yearly subscription-based payment of Microsoft Office 365 product and services

Staff recommendation: that the Council adopt Resolution No. 2019-20:

1. Authorizing waiver of formal bids;
2. Authorizing the City Manager to enter into a 36-month agreement with ISC-Imager Software, Inc. in the amount of \$147,060 for the resell of Microsoft Products to the City



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- 5-8.** Request for proposals for qualified technology consulting firms to assist with the development of a 5-year Information Technology Strategic Plan

Staff recommendation: that the Council authorize a request for proposals for qualified technology consulting firms to assist with the development of a 5-year Information Technology Strategic Plan

- 5-9.** Resolution No. 2019-21 Authorizing the Purchase of Bigbelly Trash and Recycling Receptacles and Appropriating \$19,000 in Fiscal Year 2018/19

Staff recommendation: that the Council adopt Resolution No. 2019-21, authorizing the expenditure of \$82,000 for the purchase of 16 Bigbelly trash and recycling receptacles and appropriate an additional \$19,000 in fiscal year 2018/19 in Measure D-Stopwaste funds for the purchase

- 5-10.** Letter of Support ACA 1 (Aguiar-Curry) Local government financing: Affordable housing and public infrastructure: voter approval

Mayor Nason recommendation: that the Council approve the Letter of Support for ACA 1

- 5-11.** Letter of Support SB 5 (Beall/McGuire) Local-State Sustainable Investment Incentive Program (as introduced 12/03/2018)

Mayor Nason recommendation: that the Council approve the Letter of Support for SB 5

Mayor Nason asked if anyone wishes to remove an item from the consent calendar. Council Member Barnes removed Item 5-10, and Council Member Pilch removed Items 5-8 and 5-9.

Item 5-8: City Manager Nicole Almaguer agreed to include language in the request for proposals to examine any and all opportunities to place data and processes online.

Item 5-9: Sustainability & Resilience Manager Claire Griffing reported repair of the trash receptacles has been easy.

Item 5-10: City Attorney Labadie did not know if ACA 1 is intended to allow regional bodies and joint powers of authority to qualify bond measures based on an approval threshold of 55 percent. The language of ACA 1 could change as it proceeds through the legislative process.

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to approve the Consent Calendar with the exception of Item 5-10, which is continued to the Council's next meeting.

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

NOES: None

Motion carried and so ordered.

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

Mayor Nason opened the Good of the City.



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The following persons spoke: Susan Moffat, Leah Burrell, Allan Maris, Susan Reneau, Jim Acock, Julie Winkelstein.

A summary of the comments is as follows: Love the Bulb invites the public to attend upcoming events; a request for the City to provide homeless people with a physical address so that they can receive mail and insure their vehicles; a request for the Council to agendaize an item regarding the affordable housing project with Satellite Affordable Housing; advocacy for the creation of a fund to provide rent assistance to low- and very-low-income residents and for the designation of a space for homeless people to camp or park their vehicles; the City needs to focus on providing homeless people with a safe place to live; suggestions for public outreach to engage the community in planning the affordable housing project.

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

Mayor Nason reported a meeting for the San Pablo Avenue Corridor Plan is scheduled for April 4. The owner of Golden Gate Fields has instituted a policy not to whip or drug horses on the day of a race. She has written a letter to the City of Berkeley leadership regarding the encampment on Codornices Creek between Eastshore Highway and Second Street. Mayor Nason attended meetings of the Pacifica Institute, the Alameda County Transportation Commission (ACTC), StopWaste, the Alta Bates Task Force, the Regional Mayors Group, the Climate Mayors, and the Mayors' Conference. She gave a presentation about the Shrine of Freedom before the Historical Society. At the Mayors' Conference, she received a chart summarizing pending legislation that impacts the CASA Compact.

Council Member Pilch reported he attended Mayor Nason's presentation, a Horizon workshop hosted by the Metropolitan Transportation Commission (MTC)/Association of Bay Area Governments (ABAG), the East Bay Community Energy's (EBCE) retreat, and Albany FilmFest events. At a meeting of the Electric Vehicle Coordinating Council, he learned that the Bay Area's adoption of plug-in vehicles is very high, but the availability of charging stations is not sufficient for the number of vehicles.

Vice Mayor McQuaid reported she attended the Solano Avenue Association and Chamber mixer and a Housing Authority meeting and participated in the Climate Mayors conference call. The conference call focused on purchasing electric vehicles in bulk. Elected officials from the region met with the Alta Bates Task Force to discuss methods to obtain a response from Sutter. The Mayors' Conference heard presentations regarding hover craft and aging in place. Albany High School Model UN delegates won awards at a recent conference.

Council Member Barnes reported he met with Lenny Siegel, former Mayor of Mountain View, regarding a coalition in favor of more housing.

City Manager Almaguer reported the opening of the City's newest artwork, the Albany Loop, will occur on March 27. The Police Department has received training on veterans' issues and shared trends and crime prevention tips at a community meeting. Renew Alameda County provides low-income homeowners with assistance to make home improvements. The next Council meeting will include a study session regarding use of revenues from the sugar-sweetened beverage tax.



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### 8. PRESENTATION

#### 8-1. Update on Housing-Related Legislation Introduced in the California State Legislature

Planning Manager Anne Hersch presented the staff report. SB 827, introduced in 2018, would have allowed up to five-story multifamily developments in proximity to transit stations and would have relaxed local development standards. The Council sent a letter of opposition to the bill and suggested expanded developer rights be linked to the success of the City achieving its Regional Housing Needs Allocation (RHNA) goal; the addition of affordable housing requirements; cities be allowed to maintain reasonable design review standards for building exteriors; height standards be linked to lot size, street dimensions, and existing height requirements; and the addition of a provision to allow more housing in urban areas where jobs have been created but new housing has not been built. SB 50 has been modified to preserve statewide labor standards; to provide an inclusionary zoning requirement of 15-25 percent low-income units depending on the project size; to exempt qualifying projects proposed in either job-rich or transit-rich development zones from density and parking requirements; and to deem rental properties ineligible for zoning waivers if the properties have housed tenants in the prior seven years or if the properties' owners have evicted tenants under the Ellis Act in the prior 15 years. The Bay Area Rapid Transit (BART) Board of Directors, the Mayors of Oakland, San Francisco, and El Cerrito, the State and Building Trades Council of California, the California Apartment Association, and the Natural Resources Defense Council have expressed support for SB 50. SB 50 would impact a good portion of north Albany. Conceptually, single-family homes located at the north end of Kains Avenue could be replaced with multifamily housing because the area is zoned for higher density and falls within the required proximity to transit.

Community Development Director Jeff Bond reported more than 200 bills related to housing and housing affordability and 20 bills related to the CASA Compact have been introduced in the Legislature. The CASA Compact originated in Plan Bay Area 2040. The CASA Compact Board issued a report comprised of ten elements regarding just cause eviction, emergency rent caps, emergency rent assistance and access to legal counsel, barriers to accessory dwelling units (ADU), minimum zoning near transit, the housing approval process, housing incentives, public lands, funding and financing, and a regional housing enterprise. The first three elements could be addressed better at a regional level than a local level. The City is operating in compliance with CASA recommendations regarding barriers to ADUs. Minimum zoning near transit could affect zoning in the City. The City's impact fees probably would not meet thresholds that would trigger housing incentives and reforms to the housing approval process. Requiring housing on public lands is not an issue in Albany. With respect to funding and financing housing programs, voters will make the final decision. The creation of a regional housing enterprise could be an issue in Albany. Plan Bay Area attempts to coordinate transportation dollars with land use policy. The planning process for Plan Bay Area creates projections for housing needs in the Bay Area, which translate into the RHNA. Pending legislation will affect the City's RHNA number and the City's actions to comply with laws around the Housing Element. In order to complete the Housing Element by January 2023, staff will begin preparing the Housing Element in January 2021. Most of the pending housing legislation will be amended, but Governor Newsom has expressed enthusiasm for many of the concepts. Mainly municipalities are raising issues about pending legislation.



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The following persons spoke: Allan Maris, David Danby, Susan Reneau, Julie Winkelstein, Leah Burrell.

A summary of the comments is as follows: the income limits for affordable housing need to be much lower to address the needs of homeless people; a question of whether the definition of transit includes bus rapid transit; the City may have to address the production of housing rather than zoning for housing in the Housing Element; subsidizing rents for very-low-income residents could allow them to remain in their homes; hopefully, new housing legislation will contain enforcement provisions; the Council needs to address the needs of homeless people as soon as possible.

Planning Manager Hersch advised that the SB 50 definition of transit includes high frequency bus stops.

A summary of Council comments is as follows: the Bay Area is likely to have more regional government because many issues cannot be addressed on the local level; SB 50 has a good chance of being enacted; RHNA reforms appear to penalize cities that have built the required housing; SB 50 should specify maximum unit sizes; dense housing could be constructed in the San Pablo Avenue Corridor; building small, market-rate units is good, but low-income units are needed as well; the City needs a specific plan that will make the construction of housing feasible; the Planning and Zoning Commission should consider increasing building height limits; cities that are job centers have to build housing for employees; billions of dollars are needed to subsidize the construction of low-income housing; redeveloping single-family parcels for multifamily housing must be feasible for many layers of people and will take many years to accomplish; the Council need not take a position on each piece of legislation, but it should be made aware of the effects of legislation.

**9. PUBLIC HEARING**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

**11-1. Resolution No. 2019-22, accepting bequest funds from the Joan Diane Baker Trust**

Staff recommendation: that the Council adopt Resolution No. 2019-22, accepting the bequest of funds from the Joan Diane Baker Trust to the City of Albany in the amount of \$50,000, to be applied toward the purchase of a new bus for use in programs of the City's Senior Center, or alternatively to the installation of comfortable seating in and continued maintenance of the existing bus that is used for such purposes, and authorize the City Manager to execute necessary documents on behalf of the City to confirm receipt of the bequest

Recreation and Community Services Director Chelle Putzer presented the staff report. The Joan Diane Baker Trust requests the bequest be used to purchase a new bus or to install new seating in the bus utilized for Senior Center programs. The bus is vital to Senior Center programs. Ms. Baker was a frequent participant in Senior Center activities.



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### **MOTION:**

Moved by Council Member Maass, seconded by Vice Mayor McQuaid, to adopt Resolution No. 2019-22 accepting the bequest of funds from the Joan Diane Baker Trust to the City of Albany in the amount of \$50,000, to be applied toward the purchase of a new bus for use in programs of the City's Senior Center, or alternatively to the installation of comfortable seating in and continued maintenance of the existing bus that is used for such purposes, and to authorize the City Manager to execute necessary documents on behalf of the City to confirm receipt of the bequest

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

NOES: None

Motion carried and so ordered.

### **11-2. Submittal of a Grant Application to the State Coastal Conservancy's Proposition 1 Grants Program for Restoration of Codornices Creek Phase 5**

Staff recommendation: that the Council authorize the submittal of a grant application to the State Coastal Conservancy's Proposition 1 Grants Program for Restoration of Codornices Creek Phase 5

Community Development Director Bond presented the staff report. Phase 5 pertains to the restoration of Codornices Creek's ecology and flood control capacity between San Pablo Avenue and Tenth Street. The grant application includes removal of the Tenth Street roadway and the subsurface culvert in order to daylight the creek and to install a bicycle and pedestrian bridge in place of the roadway. Increasing the meander of Codornices Creek slows the flow of water, expands the floodplain, and creates a successful ecological habitat. The deadline to submit a grant application is the end of April. The Coastal Conservancy has previously awarded grants for restoration of Codornices Creek. If the Council approves the submission of a grant application, staff will seek the advice of Coastal Conservancy staff in order to submit the strongest possible application. The grant requires matching funds. The Friends of Five Creeks is aware of the project, but its priority is maintenance of the restored areas. Property owners along the creek typically support restoration because it limits their exposure to flooding.

The following person spoke: Leah Burrell.

A summary of the comments is as follows: a question of whether homeless encampments will be removed from around the creek and prevented from returning.

Community Development Director Bond indicated a homeless encampment is not located within the Phase 5 area.

City Manager Almaguer clarified that Friends of Five Creeks has an excellent program for maintenance of restored creeks. The project is to restore Codornices Creek. The restoration plan has been in place for 15-20 years, and Friends of Five Creeks has been involved throughout the process.

A summary of Council comments is as follows: concern regarding the Council approving the submission of a grant application when staff did not provide a draft application with a dollar amount and has not contacted Friends of Five Creeks; a recommendation to continue the item; support



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for taking action on the application at the current time; as an entity who maintains restored creeks, Friends of Five Creeks may have opinions about the restoration of the creek;

### **MOTION:**

Moved by Council Member Pilch to direct staff to return to Council on April 1<sup>st</sup> meeting with more details of the grant application before submittal and including engagement with Friends of 5 Creeks. This motion did not receive a second.

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to authorize the submittal of a grant application to the State Coastal Conservancy's Proposition 1 Grants Program for restoration of Codornices Creek Phase 5.

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

NOES: Council Member Pilch

Motion carried and so ordered.

### **11-3. California Homeless Coordinating and Financing Council – Homeless Emergency Aid Program (HEAP)**

Staff recommendation: that the Council provide direction to staff regarding the City's allocation of the California Homeless Coordinating and Financing Council – Homeless Emergency Aid Program funding in the amount of \$338,234 administered by Alameda County

Assistant City Manager Isabelle Leduc presented the staff report. The City of Albany is part of the Oakland, Berkeley/Alameda County Continuum of Care (CoC), which is administered by the County of Alameda. The CoC received approximately \$24.9 million in HEAP funding, and the City's allocation is \$338,234. The HEAP statute mandates 50 percent of funding be contractually obligated by January 1, 2020 and 100 percent of funding be expended by June 2021. The County recommended a minimum 30-percent local match for all cities in fiscal year 2020. Details regarding eligible sources and uses of matching funds will be based on discussions with a subcommittee of the Alameda County City Managers' Association. Depending on a determination of eligible sources, the City could fulfill a requirement for 30 percent matching funds if existing general fund and Community Development Block Grant (CDBG) allocations for homeless services remain consistent in the next fiscal year. Current City funding for homeless services may count toward the matching funds.

Under SB 850, program funds are to be expended on one-time uses that address homelessness and urgent and immediate assistance. Broad categories for use of funding include criminal justice diversion programs, programs to meet the needs of homeless youth, and emergency aid. Because of the short time frame to spend HEAP funds, there is a general concurrence within the region to use the funds for existing programs or one-time expenditures that provide the most potential for positive impact. HEAP funding could be allocated to Albany Project HOPE, removal of homeless encampments, or purchase and installation of an automatic, self-cleaning public toilet. The estimated cost to purchase and install an automatic, self-cleaning toilet is \$160,000-\$200,000 with estimated annual maintenance costs of \$9,000. If the Council wishes, staff can prepare a detailed cost analysis based on potential locations of a public toilet. Should the Council





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want additional input, staff recommends the Council refer the matter to the Social and Economic Justice Commission (SEJC) to provide a recommendation for the use of HEAP funds. The SEJC could provide a recommendation to the Council on or before May 20, 2019.

The following persons spoke: Allan Maris, Leah Burrell, Jim Beller, Judy Kerr, Julie Winkelstein, David Danby, Jim Acock.

A summary of the comments is as follows: recommendations to utilize HEAP funding for rental subsidies; to prevent homelessness or housing for people experiencing homelessness; a suggestion to hold a public meeting to discuss use of the funds; the paragraph regarding business complaints about the lack of a public restroom is offensive; refer the matter to SEJC for further input; HEAP funding appears to be a short-term solution for housing people experiencing homelessness.

A summary of Council comments is as follows: support for referring the item to the SEJC if time allows; an automatic toilet may not be effective; support for utilizing the funds to prevent homelessness; a desire for more information about automatic toilets; perhaps businesses open 24 hours would be willing to allow homeless people to use their restrooms in exchange for a subsidy from the City; support for utilizing HEAP funding to provide shelter for those living in tents and spending nights in doorways.

By acclamation, the Council agreed to extend the meeting to 10:40 p.m.

City Manager Almaguer reported the City of Berkeley was not receptive to partnering with the City to subsidize shelter beds in existing facilities.

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded Council Member Pilch, to refer the item to the Social and Economic Justice Commission for discussion at its April meeting, recognizing the Council's priority is preventing homelessness and the Council's desire for more information about public toilets, and to direct staff to present the Social and Economic Justice Commission's ideas to the Council as soon as practical.

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

NOES: Council Member Barnes

Motion carried and so ordered.

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

**12-1.** Emails Regarding Advisory Body Appointments to the Charter Review Committee

**12-2.** Upcoming City Events

Albany FilmFest – Humanity on the Big Screen, March 19, 7:29 PM – 10 PM, Landmark Albany Twin Theater, 1115 Solano Avenue, Albany, CA

Albany FilmFest – Our Beautiful Planet Home, March 20, 7:30 PM – 10 PM, Landmark Albany Twin Theater, 1115 Solano Avenue, Albany, CA



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Albany FilmFest – Music of the Streets, March 21, 7:30 PM – 10 PM, Landmark Albany Twin Theater, 1115 Solano Avenue, Albany, CA

@theCenter – Noir & Noirs, March 22, 7 PM – 9 PM, Albany Community Center

Albany FilmFest All-Day Shorts, March 24, 10 AM – 10 PM, Landmark Albany Twin Theater, 1115 Solano Avenue, Albany, CA

Earth Hour 2019, Turn Off Your Lights on Saturday, March 30<sup>th</sup> from 8:30 PM – 9:30 PM

**12-3. Upcoming City Meetings**

Library Board, Tuesday, March 19, 7 PM, City Hall Council Chambers

Climate Action Committee, Wednesday, March 20, 7:30 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesday, March 27, 7 PM, City Hall Council Chambers

Traffic & Safety Commission, Thursday, March 28, 7 PM, City Hall Council Chambers

City Council, Monday, April 1, 7:30 PM, City Hall Council Chambers

**13. ADJOURNMENT**

10:36 p.m. There being no further business before the City Council, Mayor Nason adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

\_\_\_\_\_  
Rochelle Nason  
Mayor

Attest:

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