



**ALBANY CITY COUNCIL – MINUTES**  
City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, June 17, 2019

Date Approved July 1, 2019

7:30 p.m.

**REGULAR MEETING**

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

Assemblymember Buffy Wicks 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. Presentation of a Photo of Albany to Assemblymember Buffy Wicks (Assembly District 15)**

Mayor Nason and Vice Mayor McQuaid presented Assemblymember Wicks with a photograph of Albany.

**3-2. Proclamation – Albany Pride Days (see also Consent Calendar Item 5-14 re: Pride Flag Display)**

Mayor Nason announced this item will be combined with the consent calendar.

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

**5. CONSENT CALENDAR**

**5-1. Minutes, June 3, 2019**

Staff recommendation: Approve

**5-2. Ratification of Payroll - Payroll Period 6/7/2019; Net Payroll: \$323,971.58; Taxes, Benefits, Withholdings: \$308,962.54; Total: \$632,934.12**

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: \$77,010.44 (5/31/19); \$29,298.71 (5/31/19 Transfer); \$197,025.80 (6/7/19)**

Staff recommendation: Ratify

**5-4. Advisory Body Appointment: Jim Lindsay - Charter Review Committee (McQuaid)**

Staff recommendation: informational only



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- 5-5.** Waiver of Formal Bids, and Authorization to Enter into 36-months Agreements with TPx Communications for Internet Broadband Upgrades at 2 City Facilities

Staff recommendation: that the Council adopt Resolution No. 2019-46:

1. Authorizing waiver of formal bids
2. Authorizing the City Manager to enter into a 36-month agreement with TPx Communications for the provision of Fixed Wireless High Speed (30 mbps Upload and 30 mbps Download) Internet Service at 900 Buchanan Street and Fiber Optics High Speed (100 mbps Upload and 20 mbps Download) Internet Access at 1325 Portland Avenue for a total cost of \$48,239.28

- 5-6.** City of Albany General Fund Reserve Policy

Staff recommendation: that the Council adopt Resolution No. 2019-47, establishing a Fund Balance Policy for the City of Albany General Fund

- 5-7.** City of Albany Investment Policy

Staff recommendation: that the Council adopt Resolution No. 2019-48 - 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

- 5-8.** Adoption of Biennial Operating Budget Covering Fiscal Years 2019-20 to 2020-21

Staff recommendation: that the Council adopt Resolution No. 2019-49, adopting the City of Albany Biennial Operating Budget for Fiscal Years 2019-20 and 2020-2021

- 5-9.** Resolution No. 2019-50 - A Resolution of the Albany City Council adopting the Fiscal Year Tax Rate for the Pension Override Tax to Fund Police and Fire Pension Obligations

Staff recommendation: that the Council approve Resolution No. 2019-50 adopting the FY 2019-2020 (July 1, 2019-June 30, 2020) tax rate for the pension override tax to fund City of Albany Public Safety pension obligations

- 5-10.** Proposed Authorized Adjustments to Local Taxes and Fees Collected on the Property Tax Bill - Library Services Act of 1994; Supplemental Library Services Act of 2006, Emergency Medical Services Program; Paramedic Advanced Life Support Tax; 2006 Street Paving and Storm Drain Improvement Tax, Sidewalk Parcel Tax; 2018 Parks and Open Space Parcel Tax; and Sewer Service Charges for FY 2019-2020

Staff recommendation: that the Council adopt Resolution No. 2019-51 confirming Fiscal Year 2019-2020 rates applied to the City of Albany Special Taxes and fees collected on the annual property tax bill

- 5-11.** Authorization to Submit a Grant Application to the California Coastal Conservancy Priority Conservation Area for the Albany Hill Access Improvements Project



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Staff recommendation: that the Council adopt Resolution No. 2019-52 authorizing the City Manager to submit the Albany Hill Access Improvements Project to the California Coastal Conservancy for a 2019 Priority Conservation Area grant

**5-12. Approval of Construction Contract Change Order #1 for Contract C19-1 – 2018 Pavement Maintenance and ATP Striping & Signage Project**

Staff recommendation: that the Council adopt Resolution No. 2019-57 authorizing the City Manager to approve Contract Change Order No. 1 to Contract No. C19-1 with VSS International to construct the Washington Ave Traffic Calming Project and traffic calming measures on Peralta, Francis and Taylor in the amount \$115,243.54 from previously appropriated funds for CIP Projects No. 24009 (\$59,743.16) and No. 25001 (\$55,500.38)

**5-13. Resolution Opposing Railway Company's Plan to Reactivate Rail Use**

Mayor Nason recommendation: that the Council adopt Resolution No. 2019-55 opposing BNSF Railway Company's plan to reactivate rail use through Miller/Knox Regional Shoreline Park and to send copies of the Resolution to the elected representatives and agencies listed in the Resolution

**5-14. Mayor's Statement regarding Pride Flag Raising planned for June 28, 2019**

Mayor Nason & Vice Mayor McQuaid recommendation: that the Pride Flag be displayed over City Hall and in the Albany Shrine of Freedom Pocket Park in conformance with regulations governing the display of flags, beginning on June 28, 2019 and that they remain flying through June 30, 2019, in observance of Albany Pride Days, and also that the City Council approve the attached Mayor's Statement to be made in connection with the raising of the flag

**5-15. Resolution No. 2019-56 Amending the City Council Rules of Procedure and Order and Policies**

Mayor Nason recommendation: that the Council authorize amending the Council Rules of Procedure and Order to (1) improve reporting on the work of both Council Subcommittees and State/Regional bodies on which Albany is represented, and (2) create distinct agenda items for reports from the City Manager Report, reports of local and community meetings and events, and the identification of future agenda items

Mayor Nason asked if anyone wishes to remove an item from the consent calendar. Council Member Pilch removed Items 5-10, 5-13, and 5-15. Mayor Nason removed Items 5-8 and 5-14.

Mayor Nason presented the Proclamation for Albany Pride Days to Judy Kerr.

Item 5-14: Mayor Nason advised that, if approved, the Pride Flag would be displayed at City Hall, the Albany Shrine of Freedom Pocket Park, and the Community Center.



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Item 5-8: Mayor Nason hoped to revisit the Biennial Budget when the CIP budget is presented in the fall. Staff's recommendations and Council Members' proposals for the CIP budget should be constrained by budgetary reality but not necessarily by the adopted budget.

Item 5-10: Finance Director Heather Rowden reported the Council has authorized a tax increase at the maximum rate each year over the past few years; however, the maximum rate has not been assessed each year.

Item 5-13: Council Member Pilch requested an individual action for this item.

Item 5-15: Mayor Nason proposed separating the agenda items so that Council Members may submit substantive reports of their official representation of the City, the public may follow items of interest more easily, and attention can be given to the City Manager's Report and future agenda items. Reports from Council subcommittees will be a part of official representation of the City.

The following person spoke: Preston Jordan.

A summary of the comments is as follows: a request for an engineering analysis of the sanitary sewer service charge so that the economics of providing the service is properly calculated for residences (Item 5-10); support for the proposed changes to Council procedures (Item 5-15).

Finance Director Rowden advised that staff plans to conduct a sewer rate study in the near future.

A summary of Council comments is as follows: support for increasing funding for the Community Development Department and decreasing funding for the Recreation and Community Services Department because the Community Development Department is the economic engine for the City; subcommittee reports should include information about meetings; any action to be taken on reports should be properly agendized and noticed; the City Manager may provide a verbal and/or written report; a suggestion to delete local government meetings from Council Member reports on community and nongovernmental meetings and events; Council Members can provide substantive reports without changing the Council procedures; a suggestion to change community and nongovernmental meetings to state Council Members may provide reports.

Mayor Nason advised that Item 5-15 is continued to a future meeting.

### **MOTION FOR ITEM 5-14:**

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to display the Pride Flag over City Hall, in the Albany Shrine of Freedom Pocket Park, and at the Community Center in conformance with regulations governing the display of flags, beginning on June 28, 2019 and ending on June 30, 2019, in observance of Albany Pride Days, and to approve the Mayor's Statement in connection with the raising of the flag.

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

NOES: None

Motion carried and so ordered.



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### **MOTION FOR ITEM 5-13:**

The Council voted to adopt Resolution No. 2019-55 opposing the BNSF Railway Company's plan to reactivate rail use through Miller/Knox Regional Shoreline Park and to send copies of the Resolution to the elected representatives and agencies listed in the Resolution.

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

NOES: None

ABSTAINING: Council Member Pilch

Motion carried and so ordered.

### **MOTION FOR ITEMS 5-1 THROUGH 5-12:**

Moved by Council Member Pilch, seconded by Council Member Maass, to approve Items 5-1 through 5-12 of the consent calendar.

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.

No members of the public addressed the Council.

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

Council Member Pilch reported he attended the I-80 Ashby Exchange Improvement Project workshop; the Alameda County Transportation Commission (ACTC) retreat with Mayor Nason where members of the public and commissioners discussed the future direction of ACTC; the Satellite Affordable Housing Associates (SAHA) forum; bike-in movie night; with Mayor Nason a meeting about the progress and issues of the San Pablo Avenue project; and a meeting of the California League of Cities' Environmental Quality Policy Committee in which committee members discussed recycling, markets for recyclable materials, and AB 56.

Vice Mayor McQuaid reported she attended the ACTC retreat, the East Bay Community Energy (EBCE) meeting and retreat, the Albany/Berkeley/BART Coffee with a Cop, the Mayor's Conference with Mayor Nason, the California League of Cities' Policy Committee meeting regarding public safety and community services where she learned about the Governor's budget. On June 18, the Albany Police Department will take the Special Olympics torch from the Berkeley Police Department and, after a run through the City, hand the torch to the El Cerrito Police Department.

Council Member Barnes reported he attended the SAHA meeting.

Mayor Nason reported she and Vice Mayor McQuaid met with AC Transit regarding the timing for relocating the bus stop. In addition, she and Vice Mayor McQuaid attended a Pride Flag raising in Emeryville, the black students graduation party at Albany High School, and the dedication of the Albany Middle School Annex. Mayor Nason advised that she also attended the ACTC retreat,



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programs and administration meeting, and regular meeting; the SAHA forum; and a Stop Waste meeting.

Mayor Nason advised that the City is not receiving Direct Local Distribution (DLD) funding from ACTC because the City does not have audited financial statements for fiscal years 2016/17 and 2017/18. Key performance metrics for DLD funding include timely use of funds, Local Street and Road (LSR) investments towards bicycle/pedestrian improvements, pavement condition index (PCI), transit on-time performance, and paratransit-related service implementation. ACTC requires a PCI of 60 or greater. The City is one of four jurisdictions within the county that does not meet the PCI requirement. ACTC requires 15 percent of LSR funds be spent on bicycle and pedestrian improvements; the City has expended 93 percent of LSR funds on bicycle and pedestrian facilities. The City may need to reallocate funding from bicycle facilities to roadways in order to increase the City's PCI. ACTC requires DLD fund balances to be less than 50 percent of the total encumbrances on DLD funds, and the City's balance is 49 percent of encumbrances. ACTC prefers the balance to be 40 percent of encumbrances.

Council Member Pilch reported the State budget is showing a \$20 million surplus. The budget contains \$2.4 billion new funding for housing.

A summary of Council comments is as follows: newer cities have the highest PCI scores; small cities may have high DLD fund balances because they receive small amounts of funding and have to accumulate those funds over time; funding may not need to be reallocated because staff may choose to utilize only DLD funding for bicycle and pedestrian improvements.

City Manager Nicole Almaguer reported National Night Out is scheduled for August 6, and registration for block parties is open. The Police Department will share information tips during National Safety Month. The Recreation and Community Services Department and the City established two cooling centers the prior week and held a pop-up sprinkler event. On June 22, a Juneteenth celebration event will be held at the Senior Center. Field trip participants from Marin School visited the Police Department as part of a scavenger hunt on the last day of school. The Police Department has received a new motorcycle. A draft of the Climate Action and Adaptation Plan will soon be ready for public review and comment.

## 8. PRESENTATION

### 8-1. East Bay Municipal Utility District Presentation

Staff recommendation: informational only

Mona Faye Redhill, East Bay Municipal Utility District (EBMUD), reported EBMUD relies on snow melt from the Sierra Nevada Mountains for its water supply. Many new requirements have been adopted for wastewater treatment. EBMUD is required to monitor the amount of nutrients that flow into San Francisco Bay and to reduce the amount annually. If a homeowner sells his home or makes improvements valued at more than \$100,000, the homeowner must have the private sewer lateral lines inspected for leaks and replaced if leaks are found. An inspection costs a few hundred dollars, and repairs could cost \$5,000. EBMUD has tested water in more than 550 K-12 public schools for quality and lead. Private schools have to request water testing. EBMUD is



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working with the State to formulate a program to test water in daycare and childcare facilities. EBMUD has reduced its greenhouse gas (GHG) emissions by 50 percent with a goal of zero emissions by 2040. EBMUD is increasing the miles of pipes replaced each year. The project on Evelyn Avenue is complete, and paving of the Ramona Street cluster is underway. A project to replace 835 feet of pipe along Adams Street will begin soon. The average Albany resident uses approximately 5 ccf (500 cubic feet) of water per month, and the average daily water cost is \$1.45. With the rate increases, bills will increase approximately \$3 for water and \$0.69 for wastewater. The rate increases are funding capital improvements. With respect to public safety power shutoffs, EBMUD has backup generators for water treatment and wastewater treatment facilities and will install portable generators at critical facilities. EBMUD suggests the public store at least two gallons of water per day per person to prepare for possible shutoffs. If a shutoff occurs, irrigation systems should be shut off.

### 9. PUBLIC HEARING

- 9-1. Public Hearing on the Levy of Assessment District No. 1988-1 for Fiscal Year 2019/20 Pursuant to the Landscaping and Lighting Act of 1972.

Staff recommendation: that the Council adopt Resolution No. 2019-53 – A Resolution of the Albany City Council Confirming the Diagram and Assessment, Levying Assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2019/20 (pursuant to the Landscaping and Lighting Act of 1972) and Ordering of the Levy to be placed on the Fiscal Year 2019/20 secured property tax roll

Capital Projects Manager Robert Gonzales presented the staff report.

City Manager Almaguer noted the Council began the assessment proceedings on June 3.

#### **MOTION:**

Moved by Council Member Pilch, seconded by Council Member Maass, to adopt Resolution No. 2019-53 – a Resolution of the Albany City Council confirming the diagram and assessment, levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2019/20 (pursuant to the Landscaping and Lighting Act of 1972) and ordering the levy to be placed on the Fiscal Year 2019/20 secured property tax roll.

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

NOES: None

Motion carried and so ordered.

- 9-2. Appeal of PA #19-022 Design Review and Parking Reduction for a Second-Story Addition at 1115 Neilson Street

Staff recommendation: that the City Council approve Resolution No. 2019-54 upholding the Planning & Zoning Commission decision approving Design Review and Parking Reduction at 1115 Neilson Street

Mayor Nason announced this item has been continued to the July 1, 2019 Council meeting.



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### 10. UNFINISHED BUSINESS

#### 10-1. Albany Bulb Subcommittee Update

Mayor Nason & Vice Mayor McQuaid recommendation: that the Council receive an update from the subcommittee and authorize the programming in the 2019-21 Biennial Budget of up to \$300,000 that was previously set aside in a segregated fund for the next steps under the MOU with EBRPD to transition the Bulb to that entity's management, to instead implement immediate safety and user-experience improvements and to move forward with next steps on shoreline stabilization

Mayor Nason presented the Bulb Subcommittee's report. The subcommittee and staff met with staff from the East Bay Regional Park District (EBRPD) on August 21, 2018. Since that meeting, EBRPD has indicated that it does not have resources to fund additional projects for the Albany Beach and Bay Trail. Litigation regarding the Bay Trail and construction on the Albany Beach are complete. Construction of the Bay Trail through Albany is nearing completion. EBRPD has obtained a significant grant from Caltrans to study shoreline stabilization protections for the Bay Trail, including the portion along the Albany waterfront. Additional grant funding could be paired with the Caltrans grant to integrate shoreline stabilization protections for the Bulb into the study of the shoreline. EBRPD seems interested in partnering with the City. The subcommittee hopes to meet with EBRPD in the near future and will provide a report following the meeting.

A summary of Council comments is as follows: dedicating funding for improvements is premature given the lack of reporting to the public; opposition to dedicating funding for improvements at the current time; safety improvements should be prioritized.

### 11. NEW BUSINESS

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

Mayor Nason announced the Pride Flag will be displayed over City Hall and at the Community Center beginning June 28 and at the Albany Shrine of Freedom beginning on June 28.

#### 12-1. Upcoming City Events

Advanced Health Care Directive, Tuesday, June 18, 12:00 PM, Albany Senior Center

Bike About Town, Friday, June 21, 6:30 PM – 7:30 PM, Meet at Bikes on Solano (1554 Solano Avenue)

Friends of Albany Parks Clean-Up Day – Dartmouth Tot Lot, Saturday, June 22, 9:00 AM – 12:00 PM, Dartmouth Tot Lot

Juneteenth Celebration, Saturday, June 22, 6:00 PM – 8:00 PM, Albany Senior Center

Household Hazardous Waste Collection Event, Sunday, June 23, 9:00 AM – 1:00 PM, Golden Gate Fields North Parking Lot (Take Buchanan Street West)





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@theCenter – Perception and Deception in the Age of Globalization with Joe Lurie, Friday, June 28, 7:30 PM – 9:00 PM, Albany Community Center

### 12-2. Upcoming City Meetings

Climate Action Committee, Wednesday, June 19, 7:30 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesday, June 26, 7 PM, City Hall Council Chambers

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

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

### 13. ADJOURNMENT

9:17 p.m. There being no further business before the City Council, Mayor Nason adjourned the meeting in memory of Dave Mahon and Ed Hazarabedian.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in cursive script, appearing to read "Rochelle Nason", written over a horizontal line.

Rochelle Nason  
Mayor

Attest:

A handwritten signature in cursive script, appearing to read "Anne Hsu", written over a horizontal line.

Anne Hsu, City Clerk