



**ALBANY CITY COUNCIL – MINUTES**  
City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA  
Monday, November 4, 2019

Date Approved November 18, 2019

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**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: Vincent Labiano Abello vs. City of Albany, et al. (Superior Court of California, County of Alameda, Court Case No. HG19036226)

- 2-2.** Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – California Voting Rights Act

The following person spoke: Doug Donaldson.

A summary of comments is as follows: the City should defend its Zoning Code.

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 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.** Community Emergency Response Team (CERT) Graduation

Firefighter Engineer Mike Raab and Chief Lance Calkins presented certificates and pins to the CERT graduates.



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The following person spoke: Brian Beall.

A summary of comments is as follows: CERT training is valuable and fun.

### 3-2. Proclamation – Recognition of Chelle Putzer's Service to the City of Albany

Vice Mayor McQuaid presented the proclamation to Chelle Putzer.

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

Mayor Nason reported the Council took no action but gave direction to staff.

### 5. CONSENT CALENDAR

#### 5-1. Minutes, October 21, 2019

Staff recommendation: Approve

#### 5-2. Ratification of Payroll - Payroll Period: 10/25/2019; Net Payroll: \$333,971.31; Taxes, Benefits, Withholdings: \$324,255.01; Total: \$658,226.32

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 \$98,576.30 (10/11/2019); \$77,286.42 (10/18/2019), \$193,507.41 (10/25/2019)

Staff recommendation: Ratify

#### 5-4. Advisory Body Appointment: Albany Board of Education appointed Sarah Choi to the Climate Action Committee as a student appointment

Staff recommendation: information only

#### 5-5. Updated Salary Schedule for City of Albany Employees

Staff recommendation: that the Council adopt Resolution No. 2019-89, approving an updated Salary Schedule for City employees

Mayor Nason asked if anyone wishes to remove an item from the consent calendar. No one wished to remove an item.

#### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.



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

Mayor Nason opened the Good of the City.

The following persons spoke: Aaron Tiedemann, Andrew Tang, Buddy Akacic.  
 A summary of comments is as follows: support for ranked choice voting; on November 9, the City of Richmond will discuss the possibility of opening an urgent care facility in Richmond.

**7. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS**

**7-1. City Council Subcommittees:**

<b>Council Subcommittees</b>	<b>Subcommittee Members</b>
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid
Alta Bates Hospital	Nason & McQuaid
Community Inclusivity	Nason & McQuaid
San Pablo Avenue Corridor Project	Nason & Pilch
Youth Engagement	McQuaid & Maass

**A. Youth Engagement Subcommittee Report**

Vice Mayor McQuaid reported the Youth Engagement Subcommittee will partner with the Albany YMCA to include a local government module in the YMCA's Youth & Government program. The two partners will host an event in March 2020 for Youth & Government participants to spend an afternoon at City Hall learning about municipal government. At the Council meeting that evening, the Council will present a proclamation to the Youth & Government program. The goals of the event are to showcase opportunities for young people in government and to encourage them to apply for positions with the City's Advisory Bodies. The event aligns with the City Council Strategic Plan. In addition, Vice Mayor McQuaid noted a forum to save Alta Bates Medical Center will be held in El Cerrito on November 16.

**7-2. City Council Appointed Representation of Albany**

<b>Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
Alameda County Mayors' Conference	Nason	McQuaid
Alameda County Transportation Commission	Nason	Pilch
Alameda County Waste Management Authority	Nason	Maass
Association of Bay Area Government	Pilch	Barnes
East Bay Community Energy JPA Board	Pilch	McQuaid
East Bay Sports Field Recreational Authority JPA	Maass	Barnes
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Barnes
Alameda County Library Advisory Commission	Amy Apel	
Berkeley/Albany Mental Health Board	Erlinda Castro &	(Vacant)
City/AUSD/UC - 2X2X2	Nason	McQuaid
Police & Fire Pension Fund Board	Nason	McQuaid



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Council Member Pilch reported the East Bay Community Energy Board has formed a subcommittee for legislation and marketing. The subcommittee has discussed goals and review of upcoming legislation.

### 7-3. City Council Meetings and Events

Council Member Pilch reported he represented the City in accepting the "Welcome to Albany" sign from the Albany Community Foundation.

Vice Mayor McQuaid reported she attended the Everyone Home Leadership Board meeting, a CalPERS training for elected officials, a Pension Board meeting, the "Welcome to Albany" sign dedication, and a California League of Cities homeless policy workshop. Also, Vice Mayor McQuaid participated in Operation Glow Stick with the Police Department and the Albany Hill evacuation drill and acted as Building Attendant for Youth & Government. The evacuation drill was a valuable learning experience for first responders, residents, and volunteers.

## 8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the evacuation drill demonstrated staff's ability to work together during an emergency. Fifty-five vehicles and more than 150 evacuees participated in the drill. The Police Department's Operation Glow Stick gave trick-or-treaters glow sticks on Halloween. Police Officers are participating in the Identity, Health, Society course for freshmen at Albany High School. Public Works and Public Safety have been monitoring and preparing for the public safety power shutoff events. The City's contractor has been removing graffiti along the Ohlone Greenway and Solano Avenue. Because of the dry, windy weather, sand for sand bags at Ocean View Park will not be available until later in November. Improvements at Albany Hill are underway. A list of tentative dates for major agenda items is available on the City website. The list will be revised as necessary.

## 9. PRESENTATION

### 9-1. Quarterly Financial Update

Staff recommendation: informational purposes only

Finance Director Heather Rowden presented the staff report. Overall expenses for the quarter total 27.66 percent of the budgeted amount. Expenses for risk management and non-departmental far exceed 25 percent of the budgeted amounts, but those expenses are usually paid at the beginning of the fiscal year and will not incur again in fiscal year 2019-20. Expenses for 2019-20 have increased slightly, but not as much as in 2018-19. Revenues appear to have decreased slightly; however, the City will receive the majority of property tax revenues in the second quarter. Thus far, revenues total 13.21 percent of budgeted revenues. Staff has sent letters to short-term rental operators reminding them to collect and remit the 10-



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percent hotel occupancy tax. A grace period is in effect before penalties and interest will be charged. Hotel occupancy taxes are due quarterly.

The following person spoke: Brian Beall.

A summary of comments is as follows: collecting the hotel tax from all entities is fair.

A summary of Council comments is as follows: concern regarding collecting the hotel tax retroactively; support for collecting the hotel tax retroactively.

### 10. PUBLIC HEARING

#### 10-1. Ordinance No. 2019-09, Renaming the Traffic & Safety Commission to the Transportation Commission – First Reading

Staff recommendation: that the Council introduce for first reading Ordinance No. 2019-09, renaming the Traffic & Safety Commission to the Transportation Commission

Community Development Director Jeff Bond presented the staff report. The current Municipal Code provisions related to the Traffic & Safety Commission (Commission) were adopted in 1958 and are not useful. The Council has requested staff modernize the provisions. On July 25, 2019, the Commission recommended the City Council adopt the proposed ordinance. The proposed ordinance incorporates the Commission's comments. The intent of the proposed ordinance is to align Code provisions with current practice. The proposed ordinance calls out the Commission's responsibility to serve as the City's Active Transportation Advisory Committee, which the Council approved in 2015 at the request of the Metropolitan Transportation Commission (MTC). Also, the proposed ordinance establishes an appeal process for decisions made by staff and the Commission.

The following person spoke: Brian Beall.

A summary of comments is as follows: an appeal process is democratic.

A summary of Council comments is as follows: support for an appeal process, but hopefully it will not be used to prevent change; the Council has a strong record of respecting the decisions of its Commissions; opposition to an appeal process; if the Council supports an appeal process, the fee should be very high; creating a forum for a greater level of debate is a concern; the description of the agenda item is misleading; support for an appeal process for specific decisions.

City Manager Almaguer advised that staff would prepare an ordinance to rename the Traffic & Safety Commission and a resolution granting the Council authority to identify a list of appealable items.

#### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Pilch, to continue the first reading of Ordinance No. 2019-09 to a date uncertain.

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



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NOES: None  
Motion carried and so ordered.

### **11. UNFINISHED BUSINESS**

### **12. NEW BUSINESS**

### **13. FUTURE AGENDA ITEMS**

Council Member Pilch requested an agenda item for discussion of a policy regarding short-term rentals.

### **14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS**

#### **14-1. Upcoming City Events**

- A. Fireside Songs & S'mores, Friday, November 15, 6:30 PM – 8:30 PM, Memorial Park Picnic Area Fireplace
- B. Healthy Homes Workshop, Sunday, November 17, 2:00 PM – 3:00 PM, Albany Community Center

#### **14-2. Upcoming City Meetings**

- A. Social & Economic Justice Commission, Tuesday, November 5, 7:30 PM, City Hall Council Chambers
- B. Economic Development Committee, Thursday, November 7, 5:00 PM, City Hall Council Chambers
- C. Arts Committee, Tuesday, November 12, 7:00 PM, City Hall Council Chambers
- D. Planning & Zoning Commission, Wednesday, November 13, 7:00 PM, City Hall Council Chambers
- E. Parks, Recreation & Open Space Commission, November 14, 7:00 PM, City Hall Council Chambers
- F. City Council, Monday, November 18, 7:30 PM, City Hall Council Chambers

**14-3** City Offices will be closed on Monday, November 11, 2019 in observance of Veterans Day



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**15. ADJOURNMENT**

8:56 p.m. There being no further business before the City Council, Mayor Nason adjourned the meeting in honor of the young people who lost their lives in the Orinda shooting.

Minutes submitted by Anne Hsu, City Clerk.

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Rochelle Nason  
Mayor

Attest:

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Anne Hsu, City Clerk