CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, FEBRUARY 6, 2017

6:30 p.m.- SPECIAL MEETING

CLOSED SESSION

CALL TO ORDER

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:

1. Labor Negotiations pursuant to Government Code Section 59457.6
   - Agency Negotiator: City Manager Penelope Crumpley & Human Resources Director Gene Boucher
   - Employee Organization: Albany Fire Fighters’ Association

2. Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) -- Claim filed by the Albany Lions Club regarding the Albany Hill Cross

The following people spoke: Roy Torkington
A summary of comments is as follows: concerned about the cross and recommends the Council take a careful look at the grant deeds to see what is included.

ADJOURNMENT

7:30 p.m.- REGULAR MEETING
CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
Council Member Nason led the Pledge of Allegiance.

2. ROLL CALL
Present: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY
Mayor McQuaid reported the Council gave staff direction on how to proceed on the items.

4. CONSENT CALENDAR

4-1. Minutes, January 17, 2017
Staff recommendation: Approve

4-2. Ratification of Payroll – City of Albany
Payroll Period: 1/20/2017; Net Payroll: $272,417.85; Taxes, Benefits, Withholdings: $305,799.28; Total: $578,217.13
Staff recommendation: Ratify

4-3. Resolution No. 2017-7, Authorizing Consultant Amalia Cunningham, AICP, to Examine All Sales or Transactions and Use Tax Records of the California State Board of Equalization on Behalf of the City of Albany for Preparation of a City Economic Development Strategic Plan
Staff recommendation: that the Council: (1) Adopt Resolution No. 2017-7, authorizing the City's economic development consultant, Amalia Cunningham, to examine all sales or transactions and use tax records of the California State Board of Equalization on behalf of the City of Albany; and (2) Authorize the City Manager to execute a contract amendment with Consultant to include statutory language concerning access to sales or transactions and use tax records.

4-4. Advisory Body Appointments – (a) Council Member Barnes: Gabriel Baty-Charter Review Committee; (b) Council Member Pilch: Lynn Eve Komaromi-Arts Committee; (c) Council Member Nason: Elizabeth Baker-Economic Development Committee
Staff recommendation: Informational only

4-5. Utilization of Information Technology Equipment Reserve Funding for Implementation of Computer Replacement Program and for the Purchase of a Trusted Electronic Records System
Staff recommendation: that the Council adopt Resolution No. 2017-4: (a) Authorizing the waiving of formal bids for purchase and installation of a Trusted Electronic Records System from ECS Imaging, Inc.; (b) Authorizing an expenditure of $42,746 from Fund 849 – Equipment Replacement Reserve for the purchase and installation of a Trusted Electronic Records System; and (c) Authorizing an expenditure of $30,000 from Fund 849 – Equipment Replacement Reserve for the implementation of a computer replacement program.

4-6. Resolution No. 2017-6 Authorizing the City Manager or her Designee to Negotiate with the Kensington Police Protection and Community Services District for the Provision of Public Safety Dispatch and Records Management Services

Staff recommendation: that the Council adopt Resolution No. 2017-6 authorizing the City Manager or her designee to negotiate with the Kensington Police Protection and Community Services District for the provision of public safety dispatch and records management services.

4-7. Legislation Letters of Support: AB 1 and SB 1

Mayor McQuaid recommendation: that the Council approve submittal of the letters in support of AB 1 and SB 1.

4-8. Updated Salary Schedules for City Employees

Staff recommendation: that the Council adopt Resolution No. 2017-5 – a resolution of Albany City Council approving the updated salary schedules for part-time unrepresented employees and employees of the former JPA.

4-9. Ratification of Police & Fire Pension Plan payments in the amount of $106,668.42 for the month of January 2017

Staff recommendation: Ratify

Mayor McQuaid asked if anyone would like to remove an item from the Consent Calendar. Vice Mayor Pilch requested Item 4-7 be removed.

Vice Mayor Pilch expressed concern that the transportation bills did not have sufficient funding for transit.

MOTION: Moved by Vice Mayor Pilch, seconded by Council Member Maass, to remove Item 4-7 from the Consent Calendar and continue it to a date uncertain.

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

NOES: None.

Motion carried and so ordered.

MOTION: Moved by Council Member Nason, seconded by Council Member Maass, to approve the consent calendar.
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid
NOES: none
Motion carried and so ordered.

5. COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED

Council Member Maass advised that Mayor McQuaid and he attended the seminar on Proposition 64.

Vice Mayor Pilch reported City Manager Crumpley and he attended a forum regarding allocation of tax revenues from sale of sugar sweetened beverages. Mayor McQuaid and he attended the California League of Cities' Environmental Quality Policy Committee meeting. He also learned about a possible State Budget deficit and the cost for the Covered California program if the Affordable Care Act is repealed.

Council Member Nason requested reports include future meetings.

6. PRESENTATION

6-1. Community Resource Center One-Year Pilot Program
Staff recommendation: that the Council include the development of a Community Resource Center Pilot Program as part of its Strategic Plan, approve the use of funds up to $68,400 from the 2016 Fiscal Year Budget surplus, and provide feedback to the Social and Economic Justice Commission on potential services that could be available at the Resource Center.

Human Services Manager Leduc reported the Social and Economic Justice Commission developed the proposal based on a September 2014 needs assessment of social services. The main goal of the Community Resource Center is to bridge the service information gap. Staffing for the Center could be provided by a part-time contractor, City staff member or intern. Information learned during the Pilot Program will help guide next steps of the program. Staff will also apply for a grant to fund the proposed budget. The Center will be located at the Albany United Methodist Church on Stannage Avenue.

Social and Economic Justice Commissioner Margie Marks addressed the Council regarding the Pilot Program. The purpose is to provide information regarding available services and resources. A graduate student intern could fill the part-time coordinator position. Security cameras are located inside and outside Albany United Methodist Church buildings.
Anne Hause, Albany United Methodist Church member, remarked that the congregation supports the proposal and wants to partner with the City of Albany to provide services. Church members are interested in volunteering for the program.

The following people spoke: Cathy Louie, Pareen Shah, Julie Wakelee-Lynch, Matt Schneider, Kathy Diehl, Deborah Schilling, Jim Beller, Bill Eisenstein, Jan Hitchcock, and Allan Maris.

A summary of comments is as follows: support for a center at a different location; a better location would be City Hall, concern with the lack of specific metrics to evaluate effectiveness; there is a need for services in Albany, support for the proposal; increased value of property near social services and consideration of metrics for failure; traffic and parking concerns; evaluation of the pilot program should include the public.

A summary of Council comments is as follows: the process used to select a site for the program; possible use of the Veterans Memorial Building; interactions with Albany/Berkeley Mental Health Program; the church is a satisfactory, short-term location; support for a public evaluation of the pilot program; support for the pilot program; the metric for success would be the information learned from the pilot program; support for expending the requested funds; a preference for the location to be a public building; and a desire for stakeholder involvement in determining details of the program.

**MOTION:**
Moved by Council Member Barnes, seconded by Council Member Maass, to approve the use of funds up to $68,400 from the 2016 Fiscal Year Budget surplus.

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

NOES: none

Motion carried and so ordered.

7. **GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**
Mayor McQuaid opened the Good of the City.

The following people spoke: Kathy Diehl, Dana Wallace, Susan Schwartz, and Scott Harrison.

A summary of comments is as follows: requested an update regarding status of the rent review ordinance; interest in an agenda item for a local ordinance to regulate safety concerns regarding cannabis use; Friends of Five Creeks will hold a planting work party.
8. PUBLIC HEARING

8-1. Ordinance No. 2017-01, Amending Chapter XVII, Public Health, Smoking Pollution Control of the Albany Municipal Code – First Reading

Staff recommendation: that the Council conduct a public hearing and introduce for first reading Ordinance No. 2017-01, amending Chapter XVII, Public Health, Smoking Pollution Control, of the Albany Municipal Code.

Mayor McQuaid opened the public hearing.

Assistant City Manager Almaguer advised the Council that the modifications would strengthen the ordinance by including e-cigarettes or vaping and prohibiting smoking in new units and in open-air areas of bars. Existing or occupied units would have one year to transition to nonsmoking.

The following people spoke: Peter Campbell and Aaron Frank.
A summary of comments is as follows: support for banning smoking and vaping; questioned the legality of the ordinance with respect to privately owned property; and whether there is the need for a prohibition if smoking does not affect neighbors or the public.

City Attorney Labadie explained that the State passed legislation establishing minimum standards and authorizing local governments to adopt more stringent regulations. The City has authority to adopt regulations that control smoking activity on private property due to potential health impacts. Application of the ordinance to apartments or condominiums is a policy decision for the Council.

Assistant City Manager Almaguer added that the ordinance would allow staff to respond to nonsmokers' inquiries about possible City actions against smokers. The American Lung Association reported that approximately 50 jurisdictions in California adopted the multifamily prohibition.

A summary of Council comments is as follows: modifications would prohibit smoking on the premises of bars with new use permits, and not existing businesses; consideration of changing the one-year period to six months; whether Section 17.1.3(b) applied to condominiums; penalties for violating the ordinance and application of penalties to occupant or landowner; rules of homeowner associations would need to comply with the ordinance; application of the ordinance to single-family, detached homes; whether the Council could or should regulate an obnoxious odor as a health issue; the effect of legalized marijuana usage on smoking rates; proximity was the reason for prohibiting smoking in multifamily units and businesses; the City is falling behind best practices; retaining the one-year period would give smokers more time to stop smoking; and a desire to exempt existing businesses.
Mayor McQuaid closed the public hearing.

**MOTION:**
Moved by Council Member Nason, seconded by Vice Mayor Pilch, to introduce for first reading Ordinance No. 2017-01, amending Chapter XVII, Public Health, Smoking Pollution Control, of the Albany Municipal Code with staff to clarify the non-application to existing businesses that serve smokers.  
AYES: Council Members Barnes, Maass, Nason, Vice Mayor Pilch, Mayor McQuaid  
NOES: none  
Motion carried and so ordered.

9. UNFINISHED BUSINESS

9.1 City Council Strategic Plan Development

Staff recommendation: that the Council provide feedback on the attached draft 2017-2019 Strategic Plan.

City Manager Crumpley reviewed modifications to the Strategic Plan. The modifications primarily include reformatting, updated action items, timelines, budget, and assignment of action items to departments.

A summary of Council comments is as follows: add a column showing Committees or Commissions working on items; change the title to “Foster a Healthy and Sustainable Urban Village”; change 1.3 B.1 to “implement and evaluate Resource Center Pilot Project”; refine the timing column; change 2.1 B.2 to “increase outreach to groups not currently being served such as business community, schools, UC Village, disabled, seniors”; change 1.3 B to implement sidewalk policy; add consider updating seismic safety policies; change features to installations in 3.3 C; move 5.5 to Foster a Healthy Urban Village and change the language to seeking to maintain and improve hospital services; add 5.3 C to investigate appropriate marijuana policies; vetting of campaign finance reform; and add consider a low-income exemption when revising taxes to 5.3 A.1.

The following person spoke: Susan Schwartz.
A summary of comments is as follows: prioritize expenditure of Measure R funds for creek projects in the next two years.

10. NEW BUSINESS

11. OTHER BUSINESS, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS
Vice Mayor Pilch requested an agenda item regarding becoming a sanctuary city.
11-1. The next City Council meeting will be held on February 21, 2017.

11-2. Upcoming City Events - *** Chinese New Year Celebration: Thursday, February 9, 3:30 PM, Community Center; *** @theCenter: Paint, Pints and Pinots, Friday, February 24, 7 PM, Community Center

11-3. Upcoming City Meetings - *** Social & Economic Justice Commission: Tuesday, February 7, 7:30 PM, City Hall Council Chambers; *** Planning & Zoning Commission: Wednesdays, February 8 & 22, 7 PM, City Hall Council Chambers; *** Parks & Recreation Commission: Thursday, February 9, 7 PM, City Hall Council Chambers; *** Arts Committee: Monday, February 13, 7 PM, City Hall Council Chambers; *** Traffic & Safety Commission: Thursday, February 23, 7 PM, City Hall Council Chambers; *** Community Media Access Committee: Monday, February 27, 6 PM, City Hall Council Chambers

12. ADJOURNMENT

9:44 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Dennis Rivers.

Minutes submitted by Nicole Almaguer, City Clerk.

Peggy McQuaid
Mayor

Attest:

Nicole Almaguer, City Clerk