CITY OF ALBANY

MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
TELECONFERENCE LOCATION: 47 Meadowview Avenue
Guelph, ON N1H3J6, CANADA
MONDAY, JULY 2, 2018

5:30 p.m.

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. Public employee appointment or employment pursuant to Government Code Section 54957. Position to be filled: Finance Director

2. Conference with Legal Counsel to discuss Pending Litigation pursuant to Government Code Section 54956.9(d)(1).

   Name of Case: Albany Lions Club v. City of Albany, et al. (United States District Court for the Northern District of California, Case No. CV-05236)

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

CALL TO ORDER

1. PLEDGE OF ALLEGIANCE
   Vice Mayor Nason led the Pledge of Allegiance.
2. **ROLL CALL**  
Present: Council Members Barnes, Maass, Pilch (joined by teleconference), Vice Mayor Nason, Mayor McQuaid  
Absent: None

3. **CEREMONIAL MATTERS**  
3-1. Resolution in Honor of Albany Police Chief Michael McQuiston Upon His Retirement from Service  
Mayor McQuaid presented the resolution to Chief McQuiston.

3-2. Resolution in Support of H.R. 2358 and S. 1050, the Chinese American World War II Congressional Gold Medal Act  
Council Member Barnes presented the resolution to relatives of Chinese Americans who served in the United States military during World War II.

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

5. **CONSENT CALENDAR**  
5-1. Minutes, June 18, 2018  
Staff recommendation: Approve

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: $456,812.52 (6/15/18)  
Staff recommendation: Ratify

5-4. Proclamation – Charles Moreau  
Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of Charles Moreau

5-5. Resolution No. 2018-93 Authorizing the City Manager to Execute a Contract with Cascadia Consulting Group for the Climate Mitigation & Adaptation Plan  
Staff recommendation: that the Council adopt Resolution No. 2018-93 authorizing the City Manager to execute Contract #C19-2 with Cascadia Consulting Group for the Climate Mitigation & Adaptation Plan

Staff recommendation: that the Council adopt Ordinance No. 2018-04 approving amendments to Section 20.40.040 “Density Bonus” - Second Reading - Pass to Print
5-7. CIP No. 66000 Public Works Fleet Replacement – Purchase of a 2018 Ford F-550
Staff recommendation: that the Council adopt Resolution No. 2018-90
authorizing the City Manager to purchase a 2018 Ford F-550 dump truck from
Downtown Ford in Sacramento for a not-to-exceed price of $66,540.24 using
funds previously appropriated for CIP Project No 66000 in FY17/18

5-8. 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; and Sewer Service Charges for FY 2018-2019
Staff recommendation: that the Council:
1. Determine whether any changes to the recommended rates are desired; and,
   applied to the City of Albany Special Taxes and fees collected on the annual
   property tax bill

5-9. Resolution No. 2018-97 - 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. 2018-97
adopting the FY 2018-2019 (July 1, 2018-June 30, 2019) tax rate for the pension
override tax to fund City of Albany Public Safety pension obligations

Mayor McQuaid asked if anyone wished to remove an item from the Consent
Calendar. Vice Mayor Nason removed Item 5-6.

Item 5-6: Community Development Director Jeff Bond suggested the Council
continue Item 5-6 to a future meeting so that staff could provide a staff report and
facilitate a discussion of the Density Bonus Law.

The following persons spoke: Ed Fields, Clay Larson, Maureen Crowley.
A summary of the comments is as follows: the City's ordinance should comply
with the state law, but language in the ordinance could be crafted better; the City
should not provide more concessions than required by state law; the City's
ordinance should mirror the state law to avoid litigation.

MOTION:
Moved by Vice Mayor Nason, seconded by Council Member Maass, to approve
the Consent Calendar with the exception of Item 5-6, which is tabled until the
next Council meeting.
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor
McQuaid
NOES: None
Motion carried and so ordered.
6. **GOOD OF THE CITY/PUBLIC FORUM/ANNOUNCEMENTS**
Mayor McQuaid opened the Good of the City.

The following person spoke: Janet Lin.
A summary of the comments is as follows: support for compliance with federal law regarding immigrants and a suggestion to place a measure on the ballot regarding the City’s Sanctuary City status.

7. **COUNCIL MEMBER REPORTS ON STATE/REGIONAL/LOCAL MEETINGS ATTENDED AND ANNOUNCEMENT OF FUTURE MEETINGS/CITY MANAGER REPORT/COMMENTS**
Council Member Maass reported he attended meetings of the Waste Management Board and the Alameda County Transportation Commission.

Vice Mayor Nason reported she and Mayor McQuaid attended an Alta Bates Task Force meeting and a training seminar regarding municipal finances. In addition, she attended a meeting with an Assembly Member’s representative regarding Alta Bates.

Council Member Pilch reported he attended the East Bay Community Energy Board meeting where the Board ratified Albany’s intent to subscribe residential customers to Brilliant 100.

Mayor McQuaid reported she attended meetings of the Everyone Home Leadership Board, the City’s disaster preparedness group, and formerly certified CERT members.

City Manager Nicole Almaguer announced the hiring of three employees to fill the positions of Transportation Planner, Firefighter, and Recreation Coordinator. The 4th of July event will be held at Memorial Park from noon to 4:00 p.m. The sidewalk repair contractor has completed 12 projects and continues to work at a brisk pace.

8. **PRESENTATION**
9. **PUBLIC HEARING**
9-1. Public Hearing to Consider Collection of Delinquent Garbage Bills by Placement on the County Tax Rolls

Staff recommendation: that the Council adopt Resolution No. 2018-94 confirming the special assessment list for delinquent residential garbage bills and authorizing the delinquent charges be placed on the County tax rolls

Sustainability and Resilience Manager Claire Griffing presented the staff report. For health and safety reasons, Waste Management is required to continue service
when customers fail to pay their bills. In 2013, the Council authorized placing
delinquent bills on the County tax rolls. Since January 2018, Waste Management
has sent at least four past-due notices and the City has sent two notices to
accounts that were more than 90 days delinquent as of January 2018. The list of
delinquent accounts does not include accounts with balances of less than $20,
accounts for multifamily residences with more than five units, or accounts for
commercial properties. An amended list of delinquent accounts was provided at
the dais and for the public.

The following person spoke: Brian Beall.
A summary of comments is as follows: a question regarding next steps if the City
does not place the delinquent accounts on the tax rolls.

Sustainability and Resilience Manager Griffing advised that the City's contract
with Waste Management requires the City to place delinquent accounts on the tax
rolls.

MOTION:
Moved by Council Member Maass, seconded by Vice Mayor Nason, to adopt
Resolution No. 2018-94 confirming the special assessment list for delinquent
residential garbage bills and authorizing the delinquent charges be placed on the
County tax rolls
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor
McQuaid
NOES: None
Motion carried and so ordered.

9-2. Resolution No. 2018-95 “A Resolution of the Albany City Council Adopting a
Rate and Time Limit Policy for City-Owned Electric Vehicle Charging Stations”
and Proposed Amendments to Section 9-1 “General Provisions” and Section “9-
10” Stopping, Standing and Parking” of the Albany Municipal Code

Traffic & Safety Commission Recommendation: that the Council establish fees
for City-owned electric vehicle (EV) charging stations of $1.50 per hour for the
first three (3) hours, $5 per hour thereafter or as soon as the vehicle is fully
charged, and a maximum fee of $10 for the overnight period of 9:00 PM to 7:00
AM in order to meet the policy goals presented by staff. The recommendation
called for staff to review policy progress periodically and consider changes as
necessary.

Staff recommendation: that the Council:

1. Adopt Resolution No. 2018-95 “A Resolution of the Albany City Council
Adopting a Rate and Time Limit Policy for City-Owned Electric Vehicle
Charging Stations”
2. Introduce for first reading Ordinance No. 2018-06 approving amendments to Section 9-1 “General Provisions” and Section “9-10” Stopping, Standing and Parking” of the Albany Municipal Code

Sustainability and Resilience Manager Griffing presented the staff report. Setting charging rates is the final step prior to installation of four charging stations.

CivicSpark Fellow Chelsea Polevy reported the Air District’s Charge! program awarded grant funding for the purchase of four Level 2 ChargePoint electric vehicle (EV) charging stations. To be eligible for grant funding, each station must deliver a minimum of 10,800 kWh of charge over a three-year period. The charging stations will be installed in the parking lots at the Library/Community Center, Ocean View Park, City Hall, and the Public Works Center. The City is responsible for setting rates, maintaining the stations, and monitoring use of the stations.

The Traffic and Safety Commission (Commission) discussed recovering total project costs and generating revenue; however, the Commission did not deem those priorities. In discussing rates and time limits, the Commission considered average rates in the Bay Area, the cost of energy at City facilities, and the average time to charge fully an EV. Most consumers utilize charging stations to charge their EVs for a few hours rather than fully charging them. The Commission recommended fees of $1.50 per hour for the first three hours and $5 per hour thereafter or as soon as the battery is fully charged, and a maximum fee of $10 for the overnight period of 9:00 p.m. to 7:00 a.m. The recommended rates reduce the need for enforcement and encourage turnover. The Commission also recommended staff review progress periodically.

Staff will install charging stations in the fall, draft a policy for the purchase of EVs for the City's fleet, and monitor use of EV charging stations.

The following persons spoke: Brian Beall and Harry Chomsky. A summary of comments is as follows: concerns about noise from charging station users; pricing can be adjusted to encourage a desired behavior.

A summary of Council comments is as follows: the Council should consider generating revenue from charging stations to fund additional charging stations; a preference for limiting usage of charging stations to Albany residents, if possible; opposition to increasing the rate as soon as EVs are fully charged; support for monitoring usage and amending rates as needed; a suggestion to consider higher rates for non-residents; a suggestion to increase the rate 30 minutes after charging ceases if the vehicle is still connected to the charger.

**MOTION:**
Moved by Council Member Maass, seconded by Vice Mayor Nason, to adopt Resolution No. 2018-95 “A Resolution of the Albany City Council Adopting a
Rate and Time Limit Policy for City-Owned Electric Vehicle Charging Stations” with an amendment to allow a 30-minute grace period after the vehicle’s battery is full.
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: None
Motion carried and so ordered.

Moved by Council Member Maass, seconded by Vice Mayor Nason, to introduce for first reading Ordinance No. 2018-06 approving amendments to Section 9-1 “General Provisions” and Section “9-10” Stopping, Standing and Parking” of the Albany Municipal Code.
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: None
Motion carried and so ordered.

10. UNFINISHED BUSINESS

10-1. Ordinance No. 2018-01 Establishing Property Owners Responsibility for Sidewalk Repair - Second Reading

Staff recommendation: that the Council adopt Ordinance No. 2018-01 establishing property owner's responsibility for sidewalk repair – Second Reading – Pass to Print

Community Development Director Jeff Bond presented the staff report. Staff met with representatives of the Realtors Association, who made several important points during their discussions. Because escrow typically closes quickly, sellers and purchasers will likely want time extension certificates to make sidewalk repairs after escrow closes. Staff proposes the ordinance become effective January 1, 2019, so that they can develop administrative procedures to ensure the timely and smooth processing of ordinance requirements.

The following person spoke: Kiran Shenoy, Brian Beall.
A summary of comments is as follows: a request for clarification of the required deposit amount; a suggestion to attach a dollar amount to issuance of building permits that would trigger a requirement for a sidewalk certificate; a request for clarification of the requirements for a hardship exemption; the City needs to proceed with improving sidewalks.

Community Development Director Bond reported staff would work with the Realtors Association regarding the issues mentioned. The deposit could be considered a buyer's reserve. With respect to attaching a sidewalk requirement to issuance of building permits, the cost of a sidewalk repair could substantially increase the cost of a small project. Hardship requests are often based on unique
circumstances, and establishing criteria could reduce the City's flexibility in granting requests.

A summary of Council comments is as follows: support for proceeding with the ordinance and staff developing the administrative process and working with the Realtors Association; a suggestion to use a per-foot price to estimate the deposit amount.

MOTION:
Moved by Council Member Maass, seconded by Vice Mayor Nason, to adopt Ordinance No. 2018-01 establishing property owner's responsibility for sidewalk repair – Second Reading – Pass to Print.
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: None
Motion carried and so ordered.

10-2. Ordinance No. 2018-05, Enacting a Parcel Tax to fund Improvements and Maintenance of City Parks and Open Space

Staff recommendation: that the Council review the draft ordinance for placement on the November 2018 ballot to enact a parcel tax to fund improvements and maintenance of City Parks and Open Space, and provide direction to staff on the preferred tax model for incorporation into the ordinance.

City Manager Almaguer presented the staff report. The Council has discussed possible revenue measures for the November 2018 election several times since November 2017. Godbe Research conducted polling, which indicates support for a parcel tax to replace Measure R. The Council reviewed possible tax rate scenarios and requested information for continuing the current $69 rate of Measure R. Options include charging one rate for all types of residential units and different rates based on the type of residential unit. Typically, the Council reviews all proposed ballot measures and requests consolidation for the election at the final Council meeting in July.

The following person spoke: Preston Jordan.
A summary of comments is as follows: Part b of the requirements for a renter to claim a rebate should be deleted.

A summary of Council comments is as follows: support for Option C with a rate of $479 for non-residential parcels greater than 0.25 acre; support for rates as close to the existing Measure R rates as possible; a request for a comparison of Measure R rates with the option(s) selected during the meeting; support for Option C as proposed; concern that polling did not include a rate of $69.
11. **NEW BUSINESS**

11-1. Albany Unified School District Board of Education Resolution No. 2017-18-25, to Initiate a Transition to Ranked-Choice At Large Voting

Staff recommendation: that the Council receive the Board of Education Resolution No. 2017-18-25, and provide direction to staff on any next steps regarding a possible ballot measure to amend the City Charter.

City Manager Almaguer reported the Board of Education provided the resolution to staff on June 29. Any action regarding the resolution can be taken at the final Council meeting in July, unless the Council chooses to schedule a special meeting. The deadline to submit ballot measures to the Registrar of Voters' Office is August 10.

The following persons spoke: Andrew Tang, Ellen Hershey, Ross Stapleton-Gray.

A summary of the comments is as follows: encouragement for the Council to support the Board of Education's request; support for ranked choice voting; the Board of Education is aware of the risks and continues to support ranked choice voting.

A summary of Council comments is as follows: support for contact with state legislators to discuss legislative relief from the California Voting Rights Act; utilizing ranked choice voting would dramatically increase the chances of the Board of Education, and possibly the City, receiving a violation letter; reluctance to support ranked choice voting as it could draw attention to the City; a suggestion to place the resolution on the ballot as an advisory measure and to remove "at large" from election provisions contained in the City Charter; the City does not seem to have any legal liability by placing the measure on the ballot; the Board of Education's request should be honored; opposition to placing a measure on the ballot for the Board of Education; concerns about placing a measure on the ballot when the Council is working through other channels to accomplish the same goal; an advisory measure would fulfill the concerns and requests of the Board of Education; an advisory measure would increase the risk of receiving a violation letter; the Council should focus on the merits of ranked choice voting rather than the potential for litigation in determining whether to place the resolution on the ballot.

As determined by a straw poll, Council Member Barnes, Vice Mayor Nason, and Mayor McQuaid opposed and Council Members Maass and Pilch supported placing a measure regarding ranked choice voting at large for the Board of Education on the November 2018 ballot.

**MOTION:**
Moved by Vice Mayor Nason, seconded by Council Member Barnes, to extend the meeting to 11:00 p.m.
AYES: Council Members Barnes, Maass, Pilch, Vice Mayor Nason, Mayor McQuaid
NOES: none
Motion carried and so ordered.

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

12-1. Upcoming City Events
Friends of Albany Seniors Pre-Independence Day Celebration, July 3, 5:30 PM – 7:30 PM, Albany Senior Center
A Very Albany 4th of July – Green, Red, White & Blue Celebration, July 4, 12 Noon – 4 PM, Memorial Park

12-2. Upcoming City Meetings
Economic Development Committee, Thursday, July 5, 5 PM, City Hall Council Chamber
Arts Committee, Monday, July 9, 7 PM, City Hall Council Chamber
Planning & Zoning Commission, Wednesday, July 11, City Hall Council Chamber
Parks & Recreation Commission, Thursday, July 12, 7 PM, City Hall Council Chamber
City Council, Monday, July 16, 7:30 PM, City Hall Council Chamber

13. **ADJOURNMENT**
10:35 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Eldon Wolf and the five journalists murdered in Maryland.

Minutes submitted by Anne Hsu, City Clerk.

\[Signature\]
Peggy McQuaid
Mayor

Attest:

\[Signature\]
Anne Hsu, City Clerk