

Date Approved: February 20, 2018



## **CITY OF ALBANY**

### **MINUTES OF THE ALBANY CITY COUNCIL CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE MONDAY, FEBRUARY 5, 2018**

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#### **6:00 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. Conference with Real Property Negotiators - Satellite Affordable Housing  
Property: Northeast corner of Washington Avenue and Cleveland Avenue  
City Negotiators: City Manager and Planning and Building Manager  
Negotiating Parties: Satellite Affordable Housing Associates  
Under negotiation: Exclusive Negotiation Agreement for sale of City property
2. Public employee appointment or employment pursuant to Government Code Section 54957. Position to be filled: City Clerk
3. Conference with legal counsel to discuss pending litigation pursuant to Government Code Section 54956.9(d)(1) to discuss pending litigation:  
Albany Lions Club v. City of Albany *et al.*, United States District Court for the Northern District of California, Case No. 3:17-CV-05236-SK

#### **ADJOURNMENT**

#### **7:30 p.m. - REGULAR MEETING**

#### **CALL TO ORDER**

1. **PLEDGE OF ALLEGIANCE**  
Cornell Elementary student Madison led the Pledge of Allegiance.
2. **ROLL CALL**

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

**3. CEREMONIAL MATTERS**

**3.1 Certificate of Appreciation – Kindness Campaign**

Mayor McQuaid presented a Certificate of Appreciation to Room 20 of Cornell Elementary School

**3-2. Proclamation – African American History Month**

Mayor McQuaid presented a Proclamation to Linda Williams of the AUSD Black Parent Advisory Group.

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

Mayor McQuaid reported that the Council unanimously appointed Anne Hsu as City Clerk.

**5. CONSENT CALENDAR**

**5-1. Minutes, January 22, 2018**

Staff recommendation: Approve

**5-2. David Esbin, Council Member Nason appointment, resigned from the Parks & Recreation Commission.**

Staff recommendation: Informational only

**5-3. Ratification of Police and Fire Pension Board Payments: November 2017 - \$107,665.92, December 2017 - \$107,665.92, January 2018 - \$108,321.67**

Staff recommendation: Ratify

**5-4. Hours of Operation for Bus Stop Parklets**

Staff recommendation: that the Council adopt Resolution No. 2018-23 establishing hours of operation for Bus Stop Parklets to match the bus line schedule servicing the Bus Stop Parklet and authorize the Recreation and Community Services Director to administratively set or modify the hours of operation for each Bus Stop Parklet

**5-5. Conflict of Interest Code Update**

Staff recommendation: that the Council adopt Resolution No. 2018-19 amending the City's Conflict of Interest Code

**5-6. Solano Avenue Complete Streets Plan Contract**

Staff recommendation: that the Council adopt Resolution No. 2018-21 and authorize the City Manager to execute a professional services contract with Toole Design

Group for the Solano Avenue Complete Streets Plan in an amount not to exceed \$125,000

**5-7. Letter of Opposition – SB 827 (Wiener) Planning & Zoning**

Mayor McQuaid recommendation: that the Council authorize submittal of the letter of opposition

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Maass pulled Item 5-7.

Council Member Maass provided an alternative letter and requested the Council continue the item to consider it and other proposals. Mayor McQuaid recommended she and Council Member Maass meet to redraft the letter.

**MOTION:**

Moved by Council Member Barnes, seconded by Council Member Pilch, to approve the Consent Calendar excluding Item 5-7.

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 persons spoke: Jeremiah, Elaine Videa, Brian Parsley.

A summary of the comments is as follows: a suggestion to institute school zones; appreciation for living in the City of Albany; concerns about Lime Bike and the lack of public input into selecting a bikeshare company.

Mayor McQuaid advised that the City had not determined the locations of school crossing guards for the 2018-19 school year.

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

Council Member Pilch reported the Mayor, Council Member Barnes, and he attended the League of California Cities East Bay Division meeting.

Vice Mayor Nason reported Mayor McQuaid and she attended the forum on the effort to keep Alta Bates Hospital in Berkeley.

Council Member Maass reported he attended the Waste Management Agency's Board meeting, where they discussed legislative priorities and promotion of energy efficiency. He and Mayor McQuaid attended the Alameda County Transportation Commission meeting to discuss legislative priorities and SB 1.

Mayor McQuaid reported she and staff from the Regional Elected Officials hosted a community leaders meeting. She and the Office of the District Attorney will host a town hall meeting regarding sexual assault and sexual harassment on March 7.

City Manager Nicole Almaguer reported opening celebrations are planned for the bus stop parklet on Solano Avenue on February 25 and Peggy Thomsen Pierce Street Park on March 1. Soft launch of the Lime Bike pilot program is scheduled for February 14. Community members can contact Lime Bike's customer service with concerns at the number shown on these bikes. The Community Resource Center has closed; however, referrals for service are available at the Senior Center on Wednesdays and Fridays.

## **8. PRESENTATION**

### **8-1. Update on East Bay Community Energy Community Choice Aggregation Program**

Staff recommendation: for information only

Sustainability Coordinator Claire Griffing presented the staff report. The City of Albany joined the East Bay Community Energy (EBCE) in November 2016. EBCE, a community choice aggregation (CCA) program, aims to provide cleaner and less expensive electricity to customers. City staff and the Sustainability Committee began evaluating CCAs in 2012 with a goal of reducing greenhouse gas emissions from electricity. The EBCE Board of Directors is in the process of setting the power mix and rates and plans to provide electricity to municipal and commercial accounts in June 2018.

Dan Lieberman reported that EBCE is a joint powers authority formed by 11 cities and the County of Alameda. EBCE plans to provide electricity that is leaner and less expensive than electricity provided by PG&E. Nine operating CCAs provide value to their members through customer savings and lower greenhouse gas emissions. EBCE is a partner with PG&E; therefore, customers will continue to contact PG&E regarding outages, billing questions, and energy efficiency programs. EBCE will not affect PG&E financially. Customers will have at least two power supply options through EBCE. Staff is recommending Bright Choice as the default supply, which could be priced 2% below PG&E's rates after fees and could be 70% carbon free. The second option, Brilliant 100, will be 100% carbon free and priced the same as PG&E's rates. EBCE will begin service to municipal and commercial accounts in June. Enrollment of residential and other accounts could begin in late fall 2018. The California Public Utilities Commission has certified EBCE's Implementation Plan. The Sacramento Municipal Utility District will provide billing services. The Northern California Power Agency will provide the initial power. EBCE has nine employees with another expected by the launch in June. Consultants are considering local programs and development options through the Local Business Development Plan. Next steps include release of customer enrollment notices and implementation of a call center in April and key account outreach.

The following person spoke: Shirley Kajiwara.

A summary of the comments is as follows: the source of funding for EBCE staff and local programs.

Lieberman clarified that revenue from power sales will pay for staff, and excess revenues will fund local programs.

A summary of Council comments is as follows: treatment of customers utilizing solar panels; types of renewable energy.

## 9. PUBLIC HEARING

## 10. UNFINISHED BUSINESS

### 10-1. Safety and Traffic Calming Improvements on Washington Avenue between Pierce Street and Cerrito Street (continued from January 22, 2018)

Traffic & Safety Commission recommendation: that the Council amend the Washington Avenue Traffic Calming Project currently included in the City's CIP to include:

- a) Construction of the planned raised crosswalk on Washington Avenue at Catherine's Walk.
- b) Development of 35% Plans, Specifications, and Estimates for the design of curb modifications to allow vehicles to park on Washington Avenue without blocking the sidewalk, including a parking inventory and comparison to less expensive alternatives.

Furthermore, the Traffic and Safety Commission asked staff to:

- c) Evaluate the feasibility of installing speed humps on Washington Avenue between Polk Street and Cerrito Street.
- d) Work with the residents to implement a pilot plan for changing parking patterns along this block to allow full pedestrian access on one side of the street and to delay implementation of the approved red zones and curb parking enforcement.

Staff recommendation: that the City Council amend the Washington Avenue Traffic Calming Project currently included in the City's Capital Improvement Program to include:

- a) Design and construction of a raised crosswalk on Washington Avenue at Catherine's Walk;
- b) Design and construction of installing speed humps on Washington Avenue between Polk Street and Cerrito Street;
- c) Design and implementation of a painted bulb-out at the intersection of Cerrito Street and Gateview Avenue.
- d) Preparation of an ordinance authorizing closure of the northern sidewalk to pedestrians and to allow vehicles to park on northern sidewalk on Washington Avenue from Pierce Street to Cerrito Street;

- e) Preparation of a parking enforcement program for vehicle parking on Washington Avenue from Pierce Street to Cerrito Street; and
- f) Design and implementation of striping, signage, and sidewalk barriers for all modifications.

Transportation Planner Aleida Andrino-Chavez presented the staff report. In January, the Council directed staff to coordinate with the Fire Department to assess emergency vehicle access if pedestrian access along one side of the street is eliminated; to develop a cost-effective approach to implement bulb-outs at Gateview and Washington, and to provide the results of analyses to the Council. Andrino-Chavez reported that the fire apparatus can maneuver through Washington with cars parked on both sides of the street; however, the area for maneuvering is very narrow. Next steps are to amend the Capital Improvement Program budget to include \$150,000 for improvements; develop a parking enforcement plan in consultation with the Police Department; and implementation of the project in fiscal year 2019.

The following persons spoke: Brian Parsley, Shirley Kajiwara, Brian Beall, Carole Klokkevold, Chris Hopkins, Ebba dela Rosa, Francis Chapman, Letitia Berlin, Michael Gold, Debra Denherder, Noe Noyola, Anne Milkie, Ken McCroskey, Steve Bieber.

A summary of comments is as follows: support for allowing parking on the sidewalk; parking on the north sidewalk will eliminate the views for pedestrians; support for installing speed humps and the raised crosswalk; support for closing the sidewalk; support for no parking on the sidewalk along one if not both sides of Washington; support for the recommendations; support for maintaining the current number of street parking spaces; support for one-way traffic on Washington from Cerrito to Pierce.

A summary of Council comments is as follows: slope of the hill around Catherine's Walk; enforcement of no parking in painted bulb-outs; parking occupancy along Washington; number of parking spaces eliminated by improvements; application of an ordinance to other streets; closure of the sidewalk; monitoring of traffic after implementation of improvements; retaining the north sidewalk near the proposed raised crosswalk; support for staff's recommendations, conducting a parking occupancy study, assessing vegetation along the southern sidewalk, monitoring the area after improvements; delay a parking occupancy study until Pierce Street Park is open; one-way configuration of the streets could have been a better solution; citing vehicles parking in the street on the north side of Washington if the sidewalk is closed; effectiveness of the current bulb-outs; specific segments of the sidewalk to close; enforcement of vegetation and cars blocking sidewalks; the Traffic and Safety Commission should study other streets where cars are parked on sidewalks.

**MOTION:**

Moved by Council Member Pilch, seconded by Council Member Maass, to amend the Washington Avenue Traffic Calming Project currently included in the City's Capital Improvement Program to include:

- a) Design and construction of a raised crosswalk on Washington Avenue at Catherine's Walk;
- b) Design and construction of speed humps on Washington Avenue between Polk Street and Cerrito Street;
- c) Design of a painted bulb-out at the intersection of Washington Avenue and Cerrito Street; and design and implementation of a painted bulb-out at the intersection of Washington Avenue and Gateview Avenue;
- d) Preparation of an ordinance authorizing closure of the northern sidewalk to pedestrians and to allow vehicles to park on the northern sidewalk on Washington Avenue from Pierce Street to Cerrito Street along with consideration of retaining an open northern sidewalk along existing red curbs;
- e) Preparation of a parking enforcement program for vehicle parking on Washington Avenue from Pierce Street to Cerrito Street excluding parts that are already red curbed;
- f) Design and implementation of striping, signage, and sidewalk barriers for all modifications;
- g) Performance of a parking occupancy survey at an appropriate time in the future.

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

NOES: none

Motion carried and so ordered.

**MOTION:**

Moved by Mayor McQuaid, seconded by Council Member Barnes, to direct the Traffic and Safety Commission to modify its work plan to include a study of other areas of the City where cars park on the sidewalk and make recommendations for these areas to the Council.

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

NOES: none

Motion carried and so ordered.

**10-2 Sugar Sweetened Beverage Tax Draft Expenditure Plan**

Staff recommendation: that the Council review the draft expenditure plan for the proceeds from the sugar sweetened beverage tax and authority staff to incorporate the expenditure plan into the City's budget for implementation

City Manager Almaguer presented the staff report. The Council received a number of suggestions for expenditure of the funds during its study session in November. Attached to the staff report is a draft expenditure plan which responds to comments from the Council. Staff proposed a conservative expenditure plan due to the unknown amount of funds collected over the course of any given year.

Assistant City Manager Isabelle Leduc reported that the draft expenditure plan includes installation of different models of water bottling filling stations at five parks, the Ohlone Greenway at San Gabriel, and the Community Center; an outreach and educational campaign in coordination with installation of water bottle filling stations and to brand the program; free physical fitness classes for youth and adults in parks; free nutrition and cooking classes; and a community walking challenge. Proposed components of the educational campaign are design of a logo, posters, banners, magnets; bulk mailing of postcards to all Albany residents; water bottle giveaways; and public service announcements through KALB. Classes for yoga, Tai Chi, sports/fitness, dance, and Ohlone Greenway exercise pods will expose residents to various exercise options and promote a healthy lifestyle. The walking challenge will encourage residents to walk more through the use of online fitness apps, walking maps, pedometer giveaways, and awards for reaching milestones. The total cost for the five programs is \$200,000. Pending Council approval, programs will begin July 1st and extend for one year with all water bottle filling stations installed within six to eight months. Programs in future years could be a design competition of an aesthetically pleasing drinking fountain and installation of filling stations in additional locations.

The following persons spoke: Brian Beall, Bryan Marten.

A summary of comments is as follows: the majority of funds should be spent on programs that reduce soda consumption; the Bulb would be a good location for a filling station with a dog fountain; support for an artist-designed water fountain.

A summary of Council comments is as follows: inclusion of staff's administration of classes in the costs; funding for Safe Routes to School and crossing guards; use of electronic devices for the walking challenge and development of a walking app; concern about the public perception of spending \$40,000 for an artist-designed water fountain; a suggestion to phase installation of water bottle filling stations; support for more programs directed at youth; opposition to classes; the programs stress a positive approach to a healthy lifestyle; a preference for installation of filling stations in City facilities before parks; a suggestion to use the funds as grants to organizations that provide youth programs; a suggestion to prioritize water bottle filling stations over other programs.

City Manager Almaguer clarified that the proposed programs utilize the first year of funding only. Staff proposed programs to focus on healthy lifestyle changes. A grant program could be implemented in the future; however, it would require a significant amount of staff administration.

The Council reached consensus for staff to prioritize the list of programs and provide final costs during the budget process.

## 11. NEW BUSINESS



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

Council Member Pilch requested an agenda item regarding cars parking perpendicularly across sidewalks. The Council directed staff to consult with the Police Chief about the issue.

**12-1. Upcoming City Events**

Chinese New Year Celebration, Thursday, February 15, 3:00 PM, Community Center

Friends of Albany Parks Clean-Up Day, Saturday, February 17, 9:00 AM, Albany Bulb

**12-2. Upcoming City Meetings**

Social & Economic Justice Commission, Tuesday, February 6, 7:30 PM, Council Chambers, City Hall

Park & Recreation Commission, Thursday, February 8, 7:00 PM, Council Chambers, City Hall

Arts Committee, Monday, February 12, 7 PM, Council Chambers, City Hall

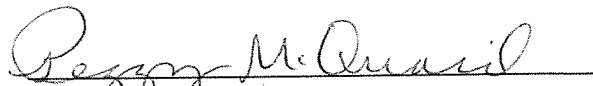
Planning & Zoning Commission, Wednesday, February 14, 7 PM, Council Chambers, City Hall

City Council Meeting, Tuesday, February 20, 7:30 PM, Council Chambers, City Hall


**13. ADJOURNMENT**

10:18 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

  
Peggy McQuaid  
Mayor

Attest:

  
Anne Hsu, City Clerk