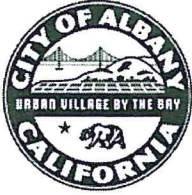


Date Approved June 4, 2018



CITY OF ALBANY

**MINUTES OF THE
ALBANY CITY COUNCIL
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE
MONDAY, MAY 21, 2018**

5:45 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 Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) – Rent Review Ordinance.
2. Public employee appointment or employment pursuant to Government Code Section 54957. Position to be filled: Police Chief

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**
Council Member Pilch 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. Proclamation – National Emergency Medical Services (EMS) Week and Emergency Medical Services for Children Day

Vice Chair Nason read the proclamation.

3-2. Proclamation – National Gun Violence Awareness Day

Mayor McQuaid read the following statement:

Once again Albany is grieving with a community that most of us have never visited, have no connection with, or probably ever heard of before last Friday. But Santa Fe Texas is forever in our memories along with Parkland, Florida; Columbine, Colorado; and Newtown, Connecticut.

There is little that makes us different from these communities. There is little that keeps us from becoming the next news story. But there is one thing each of you can do right now; if you have any guns in your home, please keep them unloaded and locked securely in a gun safe. If your child is having a play date, ask the other parents if they have firearms and how they are stored.

This simple step is critical to keeping children safe and reflects our commitment to keeping firearms out of the wrong hands and preventing the tragic events of gun violence.

Mayor McQuaid presented the proclamation to Anna Santos of Moms Demand Action.

3-3. Community Emergency Response Team (CERT) Graduation

Firefighter Mike Raab, Fire Captain John Weitzel, and Mayor McQuaid presented certificates and pins to CERT graduates.

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

Mayor McQuaid reported the Council consulted with legal counsel on potential litigation and gave staff direction.

5. CONSENT CALENDAR

5-1. Minutes, May 7, 2018

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 5/11/2018; Net Payroll: \$305,955.73; Taxes, Benefits, Withholdings: \$310,534.24; Total: \$616,489.97

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: \$474,595.25 (5/4/18); \$1,086.00 (5/11/18); \$143,682.21 (5/11/18)
Staff recommendation: Ratify
- 5-4.** Vice Mayor Nason appointed Susan Moffat to the Arts Committee.
Staff recommendation: Informational only
- 5-5.** Encroachment Permit for Street Closure for the Solano Stroll
Staff recommendation: that the City Council:
1. Authorize staff to issue Street Event Encroachment Permits to the Solano Avenue Association for the Solano Stroll;
 2. Waive encroachment permit fees; and,
 3. Waive fees for cost of public safety personnel and City maintenance services.
- 5-6.** CIP Project 22000 Annual Sidewalk Rehabilitation, Sidewalk Rehabilitation Phase 1 Award Contract No. 18-35
Staff recommendation: that the Council adopt Resolution No. 2018- 62 awarding and authorizing the City Manager to execute Contract C18-35 to Villalobos & Associates in the not-to-exceed amount of \$153,465 for sidewalk rehabilitation services
- 5-7.** CIP Project No. 51001 – Community Center Mechanical Unit Replacement Project, Project Closeout – Contract C17-10
Staff recommendation: that the Council adopt Resolution No. 2018-61:
1. Accepting the improvements completed in the Community Center Mechanical Unit Replacement Project, Contract No. C17-10, and authorizing staff to file the Notice of Completion at the County Recorder’s Office; and
 2. Approving a budget increase for CIP Project No. 51001 in the amount of \$5,800.15 from the General Capital Project Fund (Fund 2007)
- 5-8.** Ordinance No. 2018-03, Amending Chapter II, Section 2-16 of the Albany Municipal Code – Emergency Organizations and Functions
Staff recommendation: that the Council adopt Ordinance No. 2018-03, amending Chapter II, Section 2-16 of the Albany Municipal Code – Emergency Organizations and Functions – second reading, pass to print
- 5-9.** Alameda County Emergency Medical Services First Responder Advanced Life Support (FRALS) and Ambulance Transport Services Agreement Contract Extension
Staff recommendation: that the Council adopt Resolution No. 2018-64, authorizing the City Manager to execute an agreement with the ALCO EMSA to extend the current Emergency Medical Services FRALS and Ambulance Transport Services Agreement

- 5-10.** Initiating Proceedings, Approval of Annual Reports, and Intention to Levy and Collect Assessments in Assessment District No. 1988-1 and Assessment District No. 1996-1 for the 2018-19 Fiscal Year, and Setting a Public Hearing for June 18, 2018 on the proposed assessments

Staff recommendation: that the Council:

1. Adopt Resolution No. 2018-65 Initiating Proceedings for the Levy and Collection of assessments for the Landscaping and Lighting Assessment District 1988-1 for Fiscal Year 2018-19.
2. Adopt Resolution No. 2018-66 Initiating Proceedings for the Levy and Collection of assessments for the Open Space, Recreational Playfield and Creek Restoration Assessment District No. 1996-1 for Fiscal Year 2018-19.
3. Adopt Resolution No. 2018-67 Approving the Annual Report for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2018-19.
4. Adopt Resolution No. 2018-68 Approving the Annual Report for the Open Space, Recreational Playfield and Creek Restoration Assessment District No. 1996-1 for Fiscal Year 2018-19.
5. Adopt Resolution No. 2018-69, a Resolution of Intention to Levy and Collect Assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2018-19. Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for June 18, 2018 on the proposed assessment.
6. Adopt Resolution No. 2018-70, a Resolution of Intention to Levy and Collect Assessments for the Open Space, Recreational Playfield and Creek Restoration Assessment District No. 1996-1 for Fiscal Year 2018-19 Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for June 18, 2018 on the proposed assessment.

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Council Member Pilch pulled Items 5-5, 5-6, and 5-9.

Item 5-5: Community Development Director Bond reported the City's contribution of services in the amount of \$25,000 is related to overtime for public safety and Public Works staff. The encroachment permit is applicable to the 2018 Solano Stroll only.

Item 5-6: Council Member Pilch requested future agenda items pertaining to items spread geographically across the City include a map of the locations of those items.

Items 5-9: City Manager Nicole Almaguer reported the corrected resolution contains one substantive revision. The term of the agreement is now five years.

The following person spoke: Preston Jordan.

A summary of the comments is as follows: appreciation for staff obtaining a bid in an amount less than the engineer's estimate (Item 5-6).

A summary of Council comments is as follows: a future discussion of the City's contribution should include data regarding encroachment permits, plans for Solano Avenue, contributions from the City of Berkeley, and changes made over the years; the Solano Stroll is a signature event for the City; the City's contribution should qualify it as a sponsor of Solano Stroll.

MOTION:

Moved by Council Member Pilch, seconded by Vice Mayor Nason, to approve the Consent Calendar.

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: Elaine Videa, Jeremiah, Francesco Papalia, Preston Jordan.

A summary of the comments is as follows: hopes that Gill Tract Farm will remain open; support for implementation of school zones; the Albany Property Rights Advocates suggests owners be fined if they do not provide notice of or participate in the proposed Rent Review Program; the effect of City elections by district.

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 the Alameda County Transportation Commission Programs and Projects Committee meeting, where participants considered the San Pablo integrated corridor plan and the Gilman interchange.

Council Member Pilch reported Mayor McQuaid and he attended the Mayors Conference and the Affordable Housing Week event. He attended the East Bay Community Energy meeting, in which it was decided to expend surplus funds for more local projects. Residential rates for the 100% renewable product have been set at 1¢ per kilowatt hour above PG&E rates. He attended a film regarding the Japanese internment of World War II, a part of which honored Jewel Okawachi.

Vice Mayor Nason reported she attended Congresswoman Lee's event, the film regarding the Japanese internment, the Environmental Roundtable at the East Bay

Regional Park District, a number of meetings for local environmental organizations, internal meetings regarding access for modern technology and police issues. On May 23 at 7:00 p.m., a meeting will be held at the Senior Center to discuss safety issues for people traveling from the El Cerrito Plaza BART station.

Mayor McQuaid reported she participated in a Climate Mayors conference call, attended with Vice Mayor Nason the Alta Bates Task Force meeting, handed out supplies at Bike to Work Day, attended the Economic Development Alliance spring meeting and Play Like a Girl; and spoke at the Albany High School unity rally.

City Manager Almaguer reported she received Police Chief McQuiston's resignation. The City has joined a brief in support of Sanctuary Cities.

8. PRESENTATION

8-1. School Crossing Guard Program Update

Staff recommendation: that the Council:

1. Fully fund the Crossing Guard Program for FY 18/19 in an amount of \$82,000 to maintain six crossing guard positions and provide direction on funding sources for the program such as the possibility of funding a portion of the program with proceeds from the sugar-sweetened beverage tax; and,
2. Direct staff to undertake a comprehensive school safety assessment to include gathering traffic data and developing a warrant program for crossing guard placement.

Police Chief Mike McQuiston presented the staff report. The City's school crossing guard program will not be fully funded beyond the end of the current school year. Staff's recommendations allow the City to maintain six crossing guard positions and provide time for staff to gather information and study alternative proposals. At its April 30 meeting, the Traffic and Safety Commission expressed full support for full staffing of the program and recommended the Council consider a ballot measure to fully fund the program. Neither the University of California nor the Albany Unified School District will contribute funds to the program after the 2017-2018 school year.

The program has not been subjected to a significant review of its operations and structure. A thorough review of alternate models and analysis of current conditions could be helpful in making future funding and procedural decisions. The proposed funding amount of \$82,000 does not include administrative overhead costs. Pending direction from Council, staff will incorporate six crossing guard positions into the upcoming fiscal budget and begin research and planning to conduct a school safety assessment. The ease of increasing or decreasing the number of crossing guard positions would be an advantage to

contracting crossing guard services with a vendor. However, the current crossing guards are members of a labor group.

The following person spoke: Jeremiah.

A summary of the comments is as follows: support for one uniformed police officer supervising crossing guards and the staff recommendation; implementing school zones will qualify the City for a crossing guard grant.

A summary of the Council comments is as follows: the City has provided infrastructure improvements to improve safety for students; concerns about using soda tax revenues to fund the crossing guard program; support for a safety assessment and possibly school zones; the crossing guard program is a function of the City; the crossing guard program is one component in motivating children to walk and bike to school; support for contracting the program in the short-term; a safety assessment needs to include school changes; support for using soda tax revenues and existing crossing guard funding to outsource the program.

City Attorney Craig Labadie reported use of soda tax revenues is not legally restricted.

The Council directed staff to 1) provide an updated estimate of the cost to contract the crossing guard program, the amount of revenue that may need to be covered by an additional funding source, and a revised expenditure plan for soda tax revenues; and 2) conduct a safety assessment at the appropriate time.

8-2. Parcel Tax to fund Improvements and Maintenance of City Parks and Open Space.

Staff recommendation: that the Council receive a presentation regarding the proposed parcel tax model to fund improvements and maintenance of City parks and open space and direct staff to develop a draft ordinance to include the parcel tax ballot measure on the November 2018 election.

City Manager Almaguer presented the staff report. There is general support for extension of the 1/2¢ sales tax as well as the possibility of a parcel tax to fund maintenance and improvements of parks and open space. The parcel tax is being proposed as an update and adaptation of the Landscape and Lighting Assessment District.

Tim Seufert, NBS Consulting, reported a parcel tax does not need to be benefit based. A parcel tax should be based on reasonable metrics and should achieve the City's goals. A two-thirds vote is needed to approve a parcel tax. To raise \$450,000, all residential parcels and small nonresidential parcels could be taxed at a rate of \$59 per parcel, and large nonresidential parcel could be taxed at a rate of \$300 per acre. Alternatively, single-family residential parcels and small nonresidential parcels could be taxed at a rate of \$59 per parcel; condo/townhome

parcels and multifamily residential parcels could be taxed at a rate of \$49 per parcel; and large nonresidential parcels could be taxed at a rate of \$479 per acre.

The following person spoke: Preston Jordan.

A summary of the comments is as follows: the League of Women Voters supports an exemption and rebate for low-income residents; accommodations for low-income households should be marketed and participation reported.

A summary of Council comments is as follows: consideration of a Safe Routes to School program as part of this tax program; support for a low-income rebate; support for one rate for all residential parcels; support for maintaining the existing tax rate rather than decreasing it.

The Council directed staff to develop a draft ordinance for a parcel tax for the November 2018 ballot to fund maintenance and improvements of parks and open space, at a rate same as the current assessment of \$69 per residential parcel along with a CPI adjustment and small nonresidential parcels and \$300 per acre for large nonresidential parcels and a rebate program for low-income residents.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. Resolution No. 2018-63 Requesting East Bay Community Energy Enroll Residential Accounts in the "Brilliant 100" Product

Staff recommendation: that the Council adopt Resolution No. 2018-63, requesting East Bay Community Energy enroll all City of Albany residential accounts in Brilliant 100 (100% carbon free) as the default electricity product

Sustainability & Resilience Manager Claire Griffing presented the staff report. The Climate Action Plan (CAP) calls for a 25% reduction in greenhouse gas emissions by 2020. The CAP identifies community choice aggregation (CCA) as a priority for reducing greenhouse gas emissions. CCA allows public agencies to procure a greater percentage of electrical power from renewable sources on behalf of electricity customers while energy transmission, distribution, repair, customer service, and billing continue to be administered by PG&E.

East Bay Community Energy (EBCE) is preparing a June launch to commercial, industrial, and institutional customers. The City Council approved resolutions to opt commercial customers and municipal accounts into the Brilliant 100 product. EBCE service to residential accounts will begin in November 2018. EBCE's current renewable electricity portfolio includes solar, wind, and small hydroelectric power. EBCE's Bright Choice product is 85% carbon free and priced 1.5% less than PG&E's rates. The Brilliant 100 product is 100% carbon free and priced the same as PG&E's rates. The 100% Renewable product is priced

1¢ per kilowatt hour higher than PG&E's rates. EBCE has committed to honor PG&E's special pricing programs. The Sustainability Committee recommended the City Council direct staff to work on creating the 100% carbon free product as the default for all Albany customers. Customers can opt down to the Bright Choice option or opt out of the program entirely.

Dan Lieberman, East Bay Community Energy, reported a small percentage of EBCE customers will be served by the 100% renewable energy product initially. Supply of the 100% renewable product is matched with demand on an annual basis. Most electricity supply will be obtained from large hydroelectric power.

The following persons spoke: Eric Larson, Nick Peterson, Jessica Day, Joby Emmons, Preston Jordan, Max Wei.

A summary of the comments is as follows: support for the staff recommendation.

A summary of Council comments is as follows: a suggestion to include a formal municipal policy to encourage people to opt up to the 100% renewable product.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor Nason, to adopt Resolution No. 2018-63, requesting East Bay Community Energy enroll all City of Albany residential accounts in Brilliant 100 (100% carbon free) as the default electricity product with an additional "resolved" paragraph to "encourage those making energy choices to consider opting up to 100% renewable."

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

NOES: none

ABSTAIN: Council Member Barnes

Motion carried and so ordered.

11-2. Results of Operational and Organizational Assessment of the City's Finance Department – City Treasurer Function

Staff recommendation: that the Council:

1. Review the results of the Operational and Organizational Assessment of the City's Finance Department – City Treasurer Function
2. Provide direction to staff and the Charter Review Committee regarding a ballot measure to amend the City Charter to transition from an elected to an appointed City Treasurer.

City Manager Almaguer presented the staff report. Staff issued a Request for Proposals (RFP) to conduct an organizational and operational assessment of the City Treasurer function and the Finance Department function. The assessment of the City Treasurer function is before the Council. Any amendment to the City Treasurer function necessitates a Charter amendment. The consultant's recommendation is to transition to an appointed City Treasurer, whose duties would be consumed within the duties of the Finance Director. The Charter

Review Committee can be tasked with preparing draft language for the Council's consideration for the November 2018 ballot.

The following person spoke: City Treasurer Kim Denton, Jordan Preston.
A summary of the comments is as follows: the consultant's report contains errors; the City should have an elected auditor if the City Treasurer position is eliminated; the Charter Review Committee would have little time to prepare ballot language.

MOTION:

Moved by Council Member Maass, seconded by Council Member Pilch, to extend the meeting to 10:45 p.m.

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

NOES: none

Motion carried and so ordered.

A summary of Council comments is as follows: support for formation of a financial oversight committee; support for an appointed City Treasurer; perhaps the role of the independent auditor can be expanded rather than instituting an oversight committee.

MOTION:

Moved by Council Member Pilch, seconded by Mayor McQuaid, to direct staff and the Charter Review Committee to draft ballot language for a transition from an elected to an appointed City Treasurer.

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

Mayor McQuaid and Council Member Pilch requested future agenda items regarding waiver of City fees, the evolution of the City's donations to Solano Stroll, and school zones.

12-1. Upcoming City Events

Local Garden Swap, May 22, 2018, 6:30 PM, Albany Community Center

Clothing Swap, May 22, 2018, 7:30 PM, Albany Community Center

Friends of Albany Seniors Ice Cream Social, May 24, 2018, 1 PM, Senior Center

Bike-in Movie Night & Bike About Town, May 25, 2018, 7 PM, Bus Stop/Parklet @ Cornell & Solano

Friends of Albany Parks Clean-Up Day, June 2, 2018, 9 AM, Dartmouth Tot Lot

12-2. Upcoming City Meetings

Planning & Zoning Commission, Wednesday, May 23, 7 PM, Council Chambers, City Hall

Community Meeting (Safe Travel along Ohlone Greenway), Wednesday, May 23, 7 PM, Senior Center, Multi-Use Room

Traffic & Safety Commission, Thursday, May 24, 7 PM, Council Chambers, City Hall

Charter Review Committee, Tuesday, May 29, 7:30 PM, Council Chambers, City Hall

Solano Complete Streets Workshop, Wednesday, May 30, 5 PM, meet in front of Flowerland Nursery @ 1330 Solano Avenue, Albany

City Council Meeting, Monday, June 4, 7:30 PM, Council Chambers, City Hall

13. ADJOURNMENT

10:41 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of those lost by gun violence and the teachers and students at Santa Fe High School.

Minutes submitted by Anne Hsu, City Clerk.



Peggy McQuaid
Mayor

Attest:



Anne Hsu, City Clerk