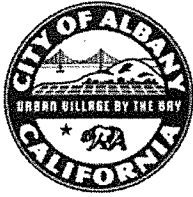


Date Approved May 7, 2018



## **CITY OF ALBANY**

**MINUTES OF THE  
ALBANY CITY COUNCIL  
CITY COUNCIL CHAMBER, 1000 SAN PABLO AVENUE  
MONDAY, APRIL 16, 2018**

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### **7:00 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 Legal Counsel to discuss pending litigation pursuant to Government Code Section 54956.9(d)(1): Raphael v. City of Albany (Alameda County Superior Court Case No. RG 17-861278)

#### **ADJOURNMENT**

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

#### **CALL TO ORDER**

#### **1. PLEDGE OF ALLEGIANCE**

Council Member Maass led the Pledge of Allegiance.

#### **2. ROLL CALL**

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

Absent: none

#### **3. CEREMONIAL MATTERS**

Mayor McQuaid read the following statement:

The cross on Albany Hill continued to be lit through last Friday, and I want to reiterate that neither the City Council nor the City of Albany endorses in any way the lighting of the cross for any occasion, religious or nationalistic, or supports its

continued presence on public property. The Lions Club filed suit in federal court on September 11 against the City of Albany and several employees and Council Members individually. This civil action seeks damages and injunctive relief for deprivation of due process, equal protection, interference with the right of free speech, and interference with the free exercise of religion. The City is responding to the Lions Club's claims through the judicial process.

We appreciate the input and support we have received to date from the public and encourage you to continue to respectfully share your concerns with the Lions Club as well as the City Council.

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

City Attorney Craig Labadie reported the Council unanimously approved a settlement of the personal injury action entitled Raphael v. City of Albany. The City's portion of the settlement is \$30,000, \$7,000 of which will be paid through the City's risk management authority.

#### **5. CONSENT CALENDAR**

##### **5-1. Minutes, April 2, 2018**

Staff recommendation: Approve

##### **5-2. Ratification of Payroll - Payroll Period: 4/13/2018; Net Payroll: \$307,651.13; Taxes, Benefits, Withholdings: \$307,718.09; Total: \$615,369.22**

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: \$50.00 (3/20/18); \$111,160.41 (3/23/18)**

Staff recommendation: Ratify

##### **5-4. Letters of Support – AB 2808 (Muratsuchi)**

Mayor McQuaid recommendation: that the Council authorize submittal of letters of support regarding education funding to Assemblymembers O'Donnell and Thurmond

##### **5-5. CIP No. 41009 Albany Hill Access Improvements – Award of Design Contract**

Staff recommendation: that the Council adopt Resolution No. 2018-39, authorizing the City Manager to award Contract C18-40 to Restoration Design Group, Inc. in the amount of \$119,502 for engineering and architectural design services

##### **5-6. CIP No. 41005 Memorial Park Bathroom Renovations – Call for Bids**

Staff recommendation: that the Council adopt Resolution No. 2018-44, approving the design of and authorizing the City Manager to approve a Call for Bids for the Memorial Park Bathroom Renovations Project

- 5-7.** CIP No. 21000 Annual Street Rehabilitation Project Funding by the Road Repair and Accountability Act of 2017

Staff recommendation: that the Council adopt Resolution No. 2018-46 certifying that the 2018 – 2022 Capital Improvement Plan including the 2018 Annual Street Rehabilitation Project has been adopted by the City of Albany and identifying the RMRA as a funding source for the 2018 Annual Street Rehabilitation Project including Jackson and Madison Streets in the expected amount of \$320,000

- 5-8.** Agreement with Restoration Design Group to Provide Design Services for Phase IV of the Codornices Creek Project

Staff recommendation: that the Council adopt Resolution No. 2018-47, authorizing the City Manager to enter into an agreement with Restoration Design Group provide design services for Phase IV of the Codornices Creek Project

- 5-9.** Temporary Street Closure for the Albany Community Triathlon

Staff recommendation: that the City Council:

- a). Authorize staff to issue an encroachment permit to the Albany Athletics Boosters to allow a temporary street closure for the Albany Community Triathlon on Sunday, October 7, 2018 from 5 am to 2:30 pm; and
- b) Waive encroachment permit fee of \$142 for this event

- 5-10.** Support Letter for AB 2812 (Limon)

Mayor McQuaid recommendation: that the Council note and file the letter as submitted

- 5-11.** Proclamation – Earth Day

Mayor McQuaid recommendation: that the Council adopt the proclamation in honor of Earth Day

- 5-12.** Resolution No. 2018-49 Opposing Tax Fairness, Transparency, and Accountability Act of 2018

Mayor McQuaid recommendation: that the Council adopt Resolution No. 2018-49 opposing Tax Fairness, Transparency, and Accountability Act of 2018

- 5-13.** Resolution No. 2018-50 in Support of Veterans and Affordable Housing Bond Act 2018

Mayor McQuaid recommendation: that the Council adopt Resolution No. 2018-50 in support of Veterans and Affordable Housing Bond Act 2018

- 5-14.** Resolution No. 2018-51 in Support of Alameda County Ballot Measure: Child Care and Early Education

Mayor McQuaid recommendation: that the Council adopt Resolution No. 2018-51 in support of Alameda County Ballot Measure: Child Care and Early Education

**5-15.** CIP No. 10002 – Marin Buchanan Bikeway Phase III and Utility Undergrounding Budget Adjustments

Staff recommendation: that the Council adopt Resolution No. 2018-41 authorizing the City Manager to approve Contract Change Order #4 to Contract C17-1 with Ghilotti Construction in the amount of \$167,607.50 for added paving scope

**5-16.** Vice Mayor Nason's Arts Committee appointee Noreen Linden resigned from the Committee.

Staff recommendation: information only

**5-17.** Letter Opposing AB 1912 (Rodriguez)

Mayor McQuaid recommendation: that the Council authorize submittal of letter of opposition to AB 1912 relating to retirement liabilities of Joint Powers Authorities

Mayor McQuaid asked if anyone wished to remove an item from the Consent Calendar. Vice Mayor Nason pulled Items 5-1 and 5-6; Council Member Pilch pulled Item 5-12; and Brian Parsley, a member of the public, pulled Item 5-8.

Item 5-1: Vice Mayor Nason corrected her comments for the Consent Calendar on page 4 of the April 2, 2018 minutes.

Item 5-6: City Manager Nicole Almaguer reported the smaller set of bathrooms in the snack shack are open only when the Little League is using the field and are maintained by the Little League. Vice Mayor Nason requested staff provide background information on the two sets of bathrooms and review plans to install a water bottle filler within a few feet of the water bottle filler at the snack shack. At the Friendship Club, drainage for the patio needs to be corrected and the gutter needs repair. Developing a plan for the entire eastern edge of Memorial Park, if not the entire park, is important.

Item 5-12: Council Member Pilch reported the Tax Fairness, Transparency, and Accountability Act of 2018 would make all tax measures subject to a two-thirds vote.

The following persons spoke: Brian Parsley (regarding item 5-8).

A summary of the comments is as follows: the City of Berkeley's lack of action for the Codornices Creek project is hurting the environment.

**MOTION:**

Moved by Council Member Pilch, seconded by Council Member Maass, to approve the Consent Calendar.

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

NOES: none

ABSENT: Council Member Barnes

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: Robert Cheasty, Kirk Schumacher, Allan Maris. A summary of the comments is as follows: beach cleanup and Visualizing Sea Rise events are scheduled for April 21; a question of whether increasing housing supply result in more affordable housing; appreciation for the Council authorizing the housing report.

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

Council Member Pilch reported he attended the Alameda County Transportation Commission PPC meeting where a deadline for the use of funds by cities was discussed. He also attended the Venture Party at Albany High School and the California League of Cities meeting. At the California League of Cities Environmental Quality Policy Committee meeting, members discussed markets for recyclable materials, cap-and-trade priorities, and fire response and disaster relief policies.

Council Member Barnes reported he attended a legislative reception.

Mayor McQuaid reported she attended the Mayors Conference, the Chamber/Solano Avenue Association mixer, the East Bay Municipal Utilities District briefing with Council Member Pilch, the Everyone Home community meeting, the Climate Mayors conference call, and the Alta Bates Task Force meeting. Mayor McQuaid also attended the California League of Cities Policy Committee and Public Safety Policy meetings regarding state legislation, issues related to law enforcement, fire and life safety, emergency services, and a policy for the use of drones.

City Manager Almaguer reported the Albany Sculpture Loan Program is accepting applications through June 1. The Camp Expo will be held April 22. The next Coffee with a Cop is scheduled for April 24 at Hal's Coffee.

**8. PRESENTATION**

**9. PUBLIC HEARING****10. UNFINISHED BUSINESS****11. NEW BUSINESS****11-1. AC Transit Encroachment Permit for Bus Stop Relocation at the Intersection of San Pablo Ave. & Solano Ave. and Solano Ave. & Kains Ave.**

Staff recommendation: that the Council adopt Resolution No. 2018-45 directing staff to issue the encroachment permit for proposed bus stop relocation

Planning Manager Anne Hersch presented the staff report. AC Transit filed an encroachment permit request for the 72 bus to stop adjacent to 865 San Pablo and the 18 and G buses to stop adjacent to 1116 Solano Avenue. The existing bus shelter, which serves all three routes, is located at the southeast corner of San Pablo and Solano. Buses stopping at the intersection of Solano and San Pablo block the northbound right lane, which often causes traffic congestion to extend to the intersection of Buchanan Street during the afternoon peak hour. AC Transit proposes to relocate the 72 stop to the northeast side of the San Pablo/Solano intersection and to remove the existing bus shelter with no replacement. Staff proposes a red zone extending from the northeast corner of Solano/San Pablo through the proposed bus stop; moving the existing green parking zone north of the proposed bus stop; and converting the existing bus stop to a green parking zone. AC Transit proposes a new stop for the 18 and G buses at the south side of the Solano/Kains intersection. If approved, this location will eliminate four on-street parking spaces and could host a parklet bus stop as part of a future application. Relocating the bus stop on San Pablo Avenue will result in two on-street parking spaces at the existing bus stop location and loss of one on-street parking space in the proposed bus stop location. In total, five on-street parking spaces would be lost. The Traffic and Safety Commission recommended approval of the encroachment permit.

Kathryn Vo, AC Transit Transportation Planner, reported the bus stop at the intersection of San Pablo and Solano has the highest ridership, on average 1,000 daily passengers, and most frequent bus service, every five minutes, in Albany. The location of the bus stop causes delays for riders and traffic queuing to Buchanan Street. Most buses have to wait an entire signal cycle before leaving the bus stop, and 50 percent of buses block the travel lane due to insufficient curb space. Because of the nearside bus stop, one bus frequently blocks traffic while waiting for another bus to vacate the bus stop. Extending the existing bus stop would allow cars to pass but would not increase visibility of pedestrians. Relocating the bus stop to the far side of the intersection would require less curb space, allow traffic to pass, and decrease the likelihood of red-light delay. AC Transit anticipates relocation of the bus stop on San Pablo Avenue will increase patronage of local businesses. AC Transit proposes a second bus stop at the intersection of Solano and Kains. Mr. Dewie's has expressed interest in having a bus stop parklet at the location.

The following persons spoke: James Silva, Albert Chung, Shaun Charles, Benjamin Diaz-Husseau, Vikas Garcha, Sangeeta Garcha, Preston Jordan, Chris Cole, Amy Moore, Allan Maris, Brian Parsley.

A summary of the comments is as follows: businesses and customers are concerned about the loss of parking; buses parked on the street every five minutes will negatively affect shops' business; this project, a pedestrian crossing, and a proposed bike lane could remove the majority of parking on two consecutive blocks of San Pablo; parking spaces are used as loading zones for shops on San Pablo; relocation of the bus stop is a component of the Complete Streets program; suggestions for alternate locations for the bus stop; buses northbound on San Pablo have difficulty making the turn onto Solano; a public parking garage is needed.

A summary of Council comments is as follows: the possibility of moving the bus stop south on San Pablo; far-side bus stops are part of best practices; the need for a variety of parking zones along San Pablo; bus riders walking by shops daily will increase business for the shops; a suggestion for staff to investigate additional parking for all modes of travel; over time Complete Streets projects will remove parking; in the future, Caltrans will probably alter the street and parking; extending the existing bus stop would not eliminate the delay for buses to pull into traffic; the possibility of replacing the right turn-lane from westbound Solano onto San Pablo with parking or a loading zone; support for the existing bus stop to be regular parking after the bus stop is relocated.

**MOTION:**

Moved by Council Member Barnes, seconded by Council Member Maass, to adopt Resolution No. 2018-45 directing staff to issue an encroachment permit for proposed bus stop relocation at the intersections of San Pablo and Solano Avenues and Solano and Kains Avenues with one green zone parking space to remain as existing on San Pablo south of Solano and the remaining area to be designated as 90-minute parking.

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

NOES: none

Motion carried and so ordered.

Mayor McQuaid announced the Council will take items 11-2 and 11-3 in reverse order.

**11-2. Voluntary Campaign Finance Limit**

Staff recommendation: that the Council adopt Resolution No. 2018-48 adopting a voluntary campaign finance limit

City Clerk Anne Hsu presented the staff report. The 2017-2019 City Council Strategic Plan includes a strategy to establish a voluntary campaign finance limit for City elections with an interest in facilitating government accountability. Mayor McQuaid submitted a summary of recent candidate expenditures and a recommendation to set the voluntary campaign finance limit at \$5,500. The limit would apply to both contributions and expenditures but would exclude the campaign statement fee. Pending Council action, staff will include the voluntary campaign finance limit form in the nomination packet for the November 2018 election of City officials and will inform the Albany Unified School District Board of Education of the Council's action, should it wish to adopt a similar voluntary limit.

The following persons spoke: Allan Maris.

A summary of the comments is as follows: a suggestion to restore the Alameda campaign registration fee subsidy such that the fee would be less than \$500 and to provide guidelines for reasonable campaign costs.

A summary of Council comments is as follows: repayment of a candidate's loans to his campaign should not be considered a campaign expenditure; because reporting is voluntary, it should not affect a challenger; contribution and campaign limits are good; support for a limit of \$6,000.

By acclamation, the Council extended the meeting to 10:45 p.m.

**MOTION:**

Moved by Mayor McQuaid, seconded by Council Member Barnes, to adopt Resolution No. 2018-48 adopting a voluntary campaign finance limit with a modification to increase the limit to \$6,000.

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

NOES: none

Motion carried and so ordered.

**11-3. Council Member Pilch Memo on Vehicles Blocking Sidewalks**

Council Member Pilch recommendation: that the Council receive the memo and direct staff as to any follow-up actions. Such actions might include direction to the Police Department, referral back to staff for further research, or the referral of the item to the Traffic and Safety Commission

Council Member Pilch presented his memorandum. The Police Department has been enforcing the prohibition against parking on sidewalks on a case-by-case basis with consideration given to cars parked across sidewalks because the driveway is short. The Council could provide direction to the Police Department or refer the matter to staff or the Traffic and Safety Commission for a recommendation.



Police Chief Mike McQuiston reported that the Police Department does not proactively enforce the prohibition against vehicles parking on sidewalks. Pedestrians walk in the street when the sidewalk is blocked. With Council direction, the Police Department can enforce the prohibition following an educational period and can track the location of citations and the vehicles cited repeatedly if necessary. Enforcing the prohibition may necessitate the addition of red zones so that cars do not block access to the sidewalk or the street.

The following persons spoke: Preston Jordan, Allan Maris.

A summary of the comments is as follows: residents want sidewalks in good shape and not blocked based on their support of Measure P-1; perhaps the criteria for enforcement could be clear passage of four feet; blocked sidewalks force people with strollers and wheelchairs into the street.

**MOTION:**

Moved by Vice Mayor Nason, seconded by Council Member Maass, to direct staff to begin a soft rollout and public information campaign to inform the public that the Police Department will begin enforcing against vehicles parked in driveways in such a manner as to block the sidewalk.

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**

Vice Mayor Nason suggested the Council consider offering commuter bike parking.

**12-1. Upcoming City Events**

Earth Day Beach Cleanup & Sea Level Rise Event, April 21, 2018, 9 AM

Cirque due Summer – Summer Camp Expo, April 22, 2018, 10 AM

Coffee with a Cop at Hal's Office, April 24, 2018, 8 AM

The Friends of Albany Parks Gala – Memorial Park, April 25, 2018, 6:30 PM

10<sup>th</sup> Annual Albany Senior Resource Expo, April 26, 2018, 10 AM

@the Center: A Night of Irish Culture, Dance and Music, April 27, 2018, 7 PM

Friends of Albany Parks Clean-Up Day – Memorial Park, May 5, 2018, 9 AM

Compost Giveaway (at Memorial Park), May 5, 2018, 9 AM

**12-2. Upcoming City Meetings**

Sustainability Committee, Wednesday, April 18, 7:30 PM, Council Chambers, City Hall

Community Media Access Committee, Monday, April 23, 6 PM, Council Chambers, City Hall

Board of Police & Fire Pension Fund Commissioners Meeting, Tuesday, April 24, 10 AM, Admin Conference Room, City Hall

Traffic & Safety Commission, Monday, April 30, 7 PM, Council Chambers, City Hall

Social & Economic Justice Commission, Tuesday, May 1, 7:30 PM, Council Chambers, City Hall

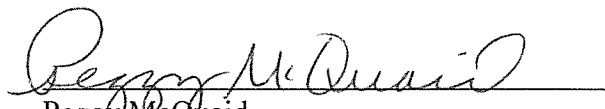
Economic Development Committee, Thursday, May 3, 5 PM, Council Chambers, City Hall

City Council Meeting, Monday, May 7, 7:30 PM, Council Chambers, City Hall


**13. ADJOURNMENT**

10:33 p.m. There being no further business before the City Council, Mayor McQuaid adjourned the meeting in memory of Donald E. McHone.

Minutes submitted by Anne Hsu, City Clerk.

  
Peggy McQuaid  
Mayor

Attest:

  
Anne Hsu, City Clerk