



5:00 p.m.

CLOSED SESSION

- 1. CALL TO ORDER**
- 2. 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:

- 2-1.** Conference with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) –California Voting Rights Act.

The following person spoke: Andrew Tang.

A summary of the comments is as follows: support for the ranked choice voting method.

Note: the Council may reconvene to closed session following the regular City Council meeting regarding the above items.

ADJOURNMENT

6:00 p.m.

SPECIAL MEETING–CITY COUNCIL STUDY SESSION

- 1. Annual Sugar-Sweetened Beverage Tax Study Session**

Staff recommendation: that the Council:

- a. Receive an update on the FY 2019 Sugar-Sweetened Beverage Tax expenditure plan;
- b. Conduct a study session to receive input and recommendations for the expenditure of proceeds from the Sugar-Sweetened Beverage Tax; and
- c. Provide a preliminary prioritization of items to be funded with the tax proceeds in FY 2020.

City Manager Nicole Almaguer presented the staff report. In November 2016, Albany voters approved Measure O1, a general tax on sugar-sweetened beverages. The ordinance requires the City Council to hold a study session each year to receive recommendations regarding the expenditure of proceeds from the tax. The first study session was held in November 2017, and the Council received recommendations from the Social & Economic Justice Commission (SEJC), the Parks, Recreation & Open Space Commission (PROSC), Transportation Commission (TC), Albany Unified School District (AUSD), and individuals with expertise in public health issues. The Council approved an expenditure plan for the tax revenues, and the expenditure plan was incorporated into the budget in June 2018. Tax revenues have been used to fund the purchase and installation of seven water bottle filling stations, the school crossing guard program, fitness classes in parks, nutrition/cooking classes, and an educational campaign to support these programs. The community fitness challenge has been delayed because of staff capacity. Staff recommends funding for the community fitness challenge be used for fitness and nutrition/cooking classes. Staff has provided a chart of programs recommended for funding with sugar-sweetened



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beverage tax revenues, a chart of tax revenues received, and projected revenue amounts, and revenues expended and intended to be expended.

Harriet Patterson, Parks, Recreation & Open Spaces Commission Chair, recommended tax revenues be used for additional water bottle filling stations, an artistic and a bubbly water bottle filling stations, a bikeshare program, a public restroom on the Ohlone Greenway, continuation of fitness and nutrition/cooking classes, the healthy snack program within the afterschool program, T-shirts for the Albany Triathlon and Marin Monster races, a toddler community garden, relocation of the Ocean View community garden, learn to swim or bike classes, a competition for youth to develop ideas for use of the revenues, and exercise stations at Peggy Thomsen Pierce Street Park.

Judy Kerr, Social & Economic Justice Commission Member, recommended use of tax revenues for mobile medical clinics targeted toward unhoused individuals, biannual mobile dental clinics targeted toward economically disadvantaged children, and monthly wellness clinics at the Senior Center. The SEJC discussed using a portion of tax revenues for the school crossing guard program.

Mayor Nason read the Transportation Commission's recommendations to utilize sugar-sweetened beverage tax revenues for the school crossing guard program and the Safe Routes to School bike safety program.

Vice Mayor McQuaid shared AUSD's recommendations for continued support of the school crossing guard program and for classes at the Children's Center.

Ruth Konoff, occupational therapist, recommended tax revenues support breast-feeding programs at childcare providers.

The following persons spoke: Annabella Feldman, Nick Peterson, Jeremiah, Frank Knowles, Karen Holzmeister, Margie Marks, Zhang Li, Sonja Herbert.

A summary of the comments is as follows: support for using tax revenues to fund a gardening and cooking class in Albany schools, AUSD athletic programs, water fountains rather than water bottle filling stations, the school crossing guard program, conversion of the sports fields at Ocean View Park and Memorial Park to artificial turf, wellness checks and podiatry services at the Senior Center, a blood pressure machine at the Senior Center, and long-term environmental changes.

Mayor Nason advised that Vice Mayor McQuaid will not participate in the Council's prioritization of programs to receive funding from the tax revenues because Vice Mayor McQuaid is a member of the Boards of Directors for the Albany YMCA and Albany Police Activities League (APAL)

A summary of Council comments is as follows: support for funding additional water bottle filling stations at the proposed locations and in City Hall and the Senior Center, nutrition, cooking, gardening, and fitness classes, and the bike safety program; suggestions for summer health and fitness classes for children and to explore use of existing programs that provide health and dental services for seniors; perhaps revenues could pay for exploration of converting sports fields to artificial turf; opposition to utilizing the tax revenues to fund the school crossing guard program in full; PROSC's recommendations are very good; support for funding the school crossing guard program, additional water bottle filling stations, exercise and nutrition classes; a request for additional information regarding mobile medical and dental clinics; a wellness clinic and podiatry services at the Senior Center as well as the afterschool healthy snack program should be



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funded through the general fund; HEAP funds should be used for a public restroom; the youth competition is a great idea; sugar-sweetened beverage tax revenues should not be used for senior services; breast-feeding programs and school-based activities may be explored further, but they should not be included in the 2019 expenditure plan.

City Manager Almaguer reported the analysis of the expenditure plan will include other potential funding sources for programs.

7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Nason led the Pledge of Allegiance.

2. ROLL CALL

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

Absent: None

3. CEREMONIAL MATTERS

3-1. Proclamation – Rotary Club's 90th Birthday

Council Member Maass read the Proclamation and presented it to the Rotary Club.

3-2. Proclamation – National Crime Victims' Rights Week

Mayor Nason read the Proclamation and presented it to the District Attorney's Office.

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

Mayor Nason reported the Council gave direction to staff, and the discussion will continue.

5. CONSENT CALENDAR

5-1. Minutes, March 18, 2019

Staff recommendation: Approve

5-2. Ratification of Payroll – Payroll Period: 3/15/19; Net Payroll: \$297,129.01; Taxes, Benefits, Withholdings: \$303,959.70; Total: \$601,088.71

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: \$522,341.87 (3/15/19), \$79,860.91 (3/22/19)

Staff recommendation: Ratify



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5-4. 2020 U.S. Census "Be Counted California"

Staff recommendation: that the Council adopt Resolution No. 2019-23 recognizing the importance of the 2020 U.S. Census "Be Counted California"

Mayor Nason asked if anyone wished to remove an item from the consent calendar. No one requested removal of an item from the Consent Calendar.

MOTION:

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

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

NOES: None

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Nason opened the Good of the City.

The following persons spoke: Jeremiah, Elaine.

A summary of the comments is as follows: support for implementation of school zones; thanks to farm workers.

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

Vice Mayor McQuaid reported she attended the East Bay Community Energy meeting and the Solano Avenue Association mixer and participated in the receipt of awards from the California Park and Recreation Society.

Council Member Pilch reported he attended the Solano Avenue Association mixer, films at the FilmFest, a presentation regarding El Cerrito's urban forest, and the California Association of Local Economic Development conference.

Council Member Barnes reported he attended the Solano Avenue Association mixer and the Albany FilmFest.

Mayor Nason reported several Council Members attended the opening ceremony for the Blue Loop. She attended a strategic planning workshop, a Park Advisory Commission meeting, a Stop Waste meeting, and the Alameda County Transportation Coalition meeting and toured the Tilden Park nature area. Vice Mayor McQuaid and she attended a ribbon-cutting ceremony for Kingship Realty.

City Manager Almaguer reported the Police Department held a forensic crime scene class at Albany High School and an active shooter safety training and hired an Administrative Specialist and Police Officer. AC Boost provides assistance with the purchase of homes, and more information about the program can be found at acoboost.org. The Recreation Department has hired two employees. The Climate Action Committee will hold a study session regarding the



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Climate Action and Adaptation Plan on April 17. The public comment period for the draft Climate Action and Adaptation Plan will likely be scheduled for mid-May with a Council study session to be held in June. Street pavement work will begin in mid-April and continue through the end of June. Repairs to the Ocean View Park sports field include new sod, irrigation system upgrades, and rebuilding the infield.

8. PRESENTATION

9. PUBLIC HEARING

9-1. Proposed Amendments to Chapter 5, Section 5-24 of the Albany Municipal Code, Tobacco Retailer License, to Prohibit the Sale of Flavored Tobacco Products

Staff recommendation: that the Council introduce for first reading Ordinance No. 2019-04 approving amendments to Section 5-24, "Tobacco Retailer License," of the Albany Municipal code to prohibit the sale of flavored tobacco products

City Attorney Craig Labadie presented the staff report. The City Council reviewed the draft ordinance for flavored tobacco products and received input in September and December 2018. Staff has revised the draft ordinance to summarize information regarding the health impacts of flavored tobacco products and to add definitions. Ordinarily an ordinance becomes effective 30 days following a second reading; however, the draft ordinance provides a six-month waiting period so that tobacco retailers can sell their existing inventory. The County of Alameda and the American Cancer Society have suggested additional changes that set a minimum package size and minimum prices for tobacco products. Because the suggested changes relate to non-flavored tobacco products, they are not contained in the draft ordinance. If the Council wishes to pursue the suggested changes, the Council may continue the hearing or consider them as a separate issue at some future date. Mr. Gaurav Bali has suggested changes to exempt stores that allow only persons over 21 years of age to enter the premises, to grandfather existing stores, and to include a spacing requirement for stores.

The following persons spoke: Jeremiah, Paul Cummings, Liz Williams, Limairy Rodriguez, Owen Wise-Pierik, Lisa Schneider, Brian Davis, Blythe Young, Dr. Phillip Gardiner, Rachel Gratz-Lazarus, Sonja Herbert, Elaine, Gaurav Bali, Steve Manriehong, Josette Wheaton with Albany High School students.

A summary of comments is as follows: tobacco products are harmful; support for including minimum pack size and minimum price in the draft ordinance; support for the draft ordinance; support for restricting the sale of menthol cigarettes and other flavored tobacco products; vape products are the gateway to nicotine addiction; encouragement for the Council to adopt an ordinance that will effectively discourage tobacco addiction among young people and vulnerable populations; opposition to exempting adult-only stores; instituting a minimum pack size for cigars reduced the use of cigars; supports for use of a track and trace system; any violation of one of the proposed exceptions should result in a ban of the business; students are using vape products in school bathrooms.

A summary of Council comments is as follows: a suggestion for the Council to adopt the proposed ordinance and consider further restrictions on tobacco products while monitoring State legislation



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for tobacco products; suggestions for staff to return as soon as possible or in the next six months with additional restrictions on tobacco products; proposed State legislation does not contain provisions to preempt local laws.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to introduce for first reading Ordinance No. 2019-04 approving amendments to Section 5-24, "Tobacco Retailer License," of the Albany Municipal Code to prohibit the sale of flavored tobacco products.

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

NOES: None

Motion carried and so ordered.

10. UNFINISHED BUSINESS

10-1. City Council Strategic Plan Update

Staff recommendation: that the Council adopt Resolution No. 2019-24, approving the updated July 1, 2019 – June 30, 2021 City Council Strategic Plan

City Manager Almaguer presented the staff report. In a January 7 work session, the Council reviewed the implementation status of the Strategic Plan and items within the existing Strategic Plan that need updating. In a January 22 study session, the Council identified further updates to the Strategic Plan. Staff proposes a Strategic Plan that responds to the interests of the Council and the community. The format and wording of the proposed Strategic Plan has changed, but the concepts remain the same.

Mayor Nason reported the Mission Statement has not changed; however, the Council may wish to revise it. The updated Strategic Plan contains potential workplan additions that the Council can include in the workplan as time and resources allow.

City Manager Almaguer advised that implementation status updates will provide details regarding status, recommended updates, and comments. The Strategic Plan has many layers, and the document is the first layer.

The following persons spoke: Nick Peterson, Ian MacLeod.

A summary of comments is as follows: the electric-appliance requirement could be phrased as elimination of fossil fuel-burning appliances in buildings; support for a ban on the use of natural gas in new construction. disaster preparedness should include a plan for a wildfire in the Berkeley hills.

A summary of Council comments is as follows: the new format does not contain all the information provided in the previous format; electrification may be a better term than electric-appliance requirement; a suggestion to move electrification to a workplan item; a suggestion to consider a short-term rental ordinance for Objective 2 under Goal 1; review of the marijuana ordinance has to be a workplan item; a suggestion to use the term cannabis rather than marijuana; the Council may wish to include building height and floor area ratio in Goal 4, Objective 1, Item 3; members



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of a subcommittee should not be named in a Strategic Plan; the subcommittees should be listed on the City website.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor McQuaid, to adopt Resolution No. 2019-24, approving the updated July 1, 2019 – June 30, 2021 City Council Strategic Plan with the revisions discussed during the meeting.

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

NOES: None

ABSENT: Council Member Barnes

Motion carried and so ordered.

10-2. Letter of Support for ACA 1 (Aguiar-Curry)

Staff recommendation: that the Council review the proposed letter of support for ACA 1 (Aguiar-Curry) and provide direction to staff on whether to submit the letter to the California State Assembly.

Mayor Nason reported ACA 1 will lower the voter-approval threshold for measures proposed by regional authorities. Council Member Barnes has expressed concern regarding local control in regional projects.

MOTION:

Moved by Council Member Pilch, seconded by Council Member Maass, to direct staff to submit the letter of support for ACA 1 to the California State Assembly.

AYES: Council Members Maass and Pilch, Mayor Nason

NOES: Vice Mayor McQuaid

ABSENT: Council Member Barnes

Motion carried and so ordered.

11. NEW BUSINESS

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

Mayor Nason highlighted the San Pablo Avenue Corridor Redesign workshop.

Council Member Pilch noted the Bulb subcommittee has not provided its quarterly report. An item regarding the appointment of the final Charter Review Committee member has not been agendaized, and Council Member Pilch reiterated his request for an agenda item.

Vice Mayor McQuaid concurred with scheduling an agenda item for appointment of the final Charter Review Committee member.

12-1. Upcoming City Events

Public Workshop – San Pablo Avenue Corridor Redesign, Thursday, April 4, 6 PM, City Hall Council Chambers



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Lisa Levine Art Gallery Opening Reception, Sunday, April 14, 4 PM – 6 PM, Albany Community Center

12-2. Upcoming City Meetings

Social & Economic Justice Commission, Tuesday, April 2, 7:30 PM, City Hall Council Chambers

Economic Development Committee, Thursday, April 4, 5 PM, City Hall Council Chambers

Arts Committee, Monday, April 8, 7 PM, City Hall Council Chambers

Planning & Zoning Commission, Wednesday, April 10, 7 PM, City Hall Council Chambers

Parks, Recreation & Open Space Commission, Thursday, April 11, 7 PM, City Hall Council Chambers

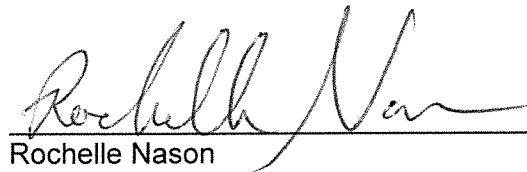
2x2x2 Meeting, Monday, April 15, 10 AM, City Hall conference Room

City Council Meeting, Monday, April 15, 7:30 PM, City Hall Council Chambers

13. ADJOURNMENT

9:40 p.m. There being no further business before the City Council, Mayor Nason adjourned the meeting in memory of Tom Kroll.

Minutes submitted by Anne Hsu, City Clerk.



Rochelle Nason
Mayor

Attest:



Anne Hsu, City Clerk