



7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Council Member Maass led the Pledge of Allegiance.

2. ROLL CALL

Present: Council Members Barnes (arrived at 7:40 p.m.), Maass, and Nason, Vice Mayor
McQuaid, Mayor Pilch

Absent: None

3. CEREMONIAL MATTERS

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

5. CONSENT CALENDAR

5-1. Minutes, January 14, 2020 & January 21, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: (1/17/2020); Net Payroll: \$308,914.78; Taxes, Benefits, Withholdings: \$313,233.45; Total: \$622,148.23

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: \$928,077.12 (1/17/2020), \$83,945.18 (1/24/2020)

Staff recommendation: Ratify

5-4. Ratification of Police and Fire Pension Board Payments – \$117,364.20 (November 2019), \$101,698.53 (December 2019), \$104,997.29 (January 2020)

Staff recommendation: Ratify

5-5. Accepting Donation from the Albany Community Foundation

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-11, accepting the donation in the amount of \$750 from the Albany Community Foundation for the 2019 Poet Laureate honorarium and
2. Authorize the City Manager to execute the Donation Acceptance Agreement



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5-6. Establishment of a Financial Advisory Committee to the City Council

Staff recommendation: that the Council adopt Resolution No. 2020-12 establishing a Financial Advisory Committee to the City Council

5-7. City Council Appointment to the Alameda County Library Advisory Commission (ACLAC)

Staff recommendation: that the Council appoint Sarah Levin from the Albany Library Board as the City of Albany alternate representative on the Alameda County Library Commission

5-8. Submittal of a Joint Grant Application to the California Resilience Challenge Program for Analysis of Sea Level Rise Impact to Groundwater

Staff recommendation: that the Council adopt Resolution No. 2020-14 supporting the submittal of a joint grant application and authorize the City Manager to sign the letters of support

5-9. Conflict of Interest Code Update

Staff recommendation: that the Council adopt Resolution No. 2020-15 amending the City's Conflict of Interest Code

5-10. Updated Salary Schedule for City of Albany Employees

Staff recommendation: that the Council adopt Resolution No. 2020-16 approving the updated salary schedule

5-11. Letter of Support - SB 50

Council Members Maass and Nason recommendation: that the Council approve and submit the Letter of Support for SB 50

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid removed Item 5-5; Council Member Nason removed Item 5-6; Mayor Pilch removed Item 5-10; and Council Member Maass removed Item 5-11.

Item 5-5: Vice Mayor McQuaid recused herself from voting on the item as she is a member of the Albany Community Foundation.

Item 5-6: Council Member Nason suggested a subcommittee of the Council serve on the Financial Advisory Committee to enhance communication between the Council and the committee.

Item 5-10: Mayor Pilch clarified that large salary updates were explained in the staff report. The compensation updates in blue included Cost of Living Adjustments (COLA). Not all positions in the schedule are filled.



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Item 5-11: Council Member Maass reported the State Senate killed SB 50, but the letter can be approved and sent to the State Senate.

A summary of Council comments is as follows: a preference for the Financial Advisory Committee to work with staff and to be independent of the Council; the Council has discussed Item 5-6 and agreed that the Financial Advisory Committee would be composed of five appointees; support for sending the letter as SB 50 will likely return; the Council decided previously to support SB 50 with suggestions for improvements rather than to support SB 50 if amended;

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor McQuaid, to approve Items 5-1 through 5-10.

AYES: Council Members Barnes, Maass, and Nason, Vice Mayor McQuaid (excluding Item 5-5), Mayor Pilch

NOES: None

RECUSED: Vice Mayor McQuaid (Item 5-5 only)

Motion carried and so ordered.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to approve Item 5-11.

AYES: Council Members Maass and Nason, Mayor Pilch

NOES: Council Member Barnes, Vice Mayor McQuaid

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Pilch opened the Good of the City.

The following person spoke: Patrice Ayme.

A summary of comments is as follows: opposition to the residential development on Albany Hill and a request for a maximum speed limit of 15 mph on Pierce Street.

7. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS

7-1. City Council Subcommittees:

Council Subcommittees	Subcommittee Members	Last Report Date
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid	12/02/2019
Alta Bates Hospital	Nason & McQuaid	11/18/2019
Cannabis Ordinance	Maass & Pilch	
Community Inclusivity	Nason & McQuaid	10/21/2019
San Pablo Avenue Corridor Project	Nason & Pilch	10/07/2019
Youth Engagement	McQuaid & Maass	01/21/2020

None



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7-2. City Council Appointed Representation of Albany

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Pilch	McQuaid
Alameda County Transportation Commission	Pilch	Nason
Alameda County Waste Management Authority	Pilch	Maass
Association of Bay Area Government	Maass	Barnes
East Bay Community Energy JPA Board	Pilch	McQuaid
East Bay Sports Field Recreational Authority JPA	Maass	Barnes
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Barnes
Alameda County Library Advisory Commission	Amy Apel	
Berkeley/Albany Mental Health Board	Erlinda Castro &	(Vacant)
City/AUSD/UC - 2X2X2	Pilch	McQuaid
Police & Fire Pension Fund Board	Pilch	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	Margaret Patterson	N/A

A. Vice Mayor McQuaid Reports

1. East Bay Community Energy Board of Directors Meeting
2. League of California Cities Meetings including General Session, Community Services Policy Committee, and Safety Policy Committee

Mayor Pilch reported he attended meetings of the League of California Cities' Environmental Quality Policy Committee regarding Public Safety Power Shutoffs and legislation for recycling; the Waste Management Board regarding reusable food ware and new incentivizes for heat-pump water heaters; the Mayors' Task Force on Homelessness; and the Alameda County Transportation Commission (ACTC). He learned from ACTC staff that the City of Albany has fulfilled its obligations to ACTC. In addition, Mayor Pilch reported he attended an orientation with staff for StopWaste.

7-3. City Council Meetings and Events

Vice Mayor McQuaid indicate she attended the East Bay Community Energy (EBCE) Board meeting, the Pensions Board meeting, the Community Emergency Response Team (CERT) alumni meeting, the ACTC meeting, the East Bay Division of the League of California Cities meeting; and the Lunar New Year celebration. Vice Mayor McQuaid reported she is serving on the committee to recommend the new executive director for the Housing Authority of Alameda County.

Mayor Pilch reported he attended the Lunar New Year celebration as well. He shared correspondence he had received on behalf of the Council.

Council Member Maass reported he attended the Planning & Zoning Commission's study session of a potential proposal for residential development on Albany Hill.



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8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported a paratransit workshop is scheduled for February 5 at the Senior Center. The Police Department and Belmont Village will host an elder abuse and fraud prevention workshop on February 27. Friends of Albany Parks is holding a clean-up and planting event on Albany Hill on February 15. The Chinese New Year celebration will be held February 6. The *Bee Curious?* lecture received good feedback. The next Healthy Garden Talk is scheduled for February 10 at the Community Center. The Police and Fire Departments responded quickly and competently to a residential fire on Sunday. The Albany Police Activities League (APAL) held a volleyball clinic on February 2. The Police Department also attended training about victim support hosted by the District Attorney's Office. Flashing beacons will be installed in the next several weeks at the intersections of Talbot and Marin, Cornell and Marin, and San Pablo and Castro.

9. PRESENTATION

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- 12-1. Parks, Recreation and Open Space Commission Work Plan Amendment Request to explore options to install a basketball court at Memorial Park

Staff recommendation: that the Council provide direction on the Parks, Recreation and Open Space Commission Work Plan Amendment Request to include the exploration of options to install a basketball court at Memorial Park

Assistant City Manager/Recreation & Community Services Director Isabelle Leduc presented the staff report. During its December 12, 2019 meeting, the Parks, Recreation & Open Space Commission (PROSC) received public comments that the basketball courts located between Memorial Park and the pool had been removed. PROSC discussed the item during its January 9, 2020 meeting. After receiving additional public comments, PROSC approved submitting a Work Plan Amendment Request to the Council. Albany Unified School District (AUSD) removed the basketball goals from its property to accommodate portable classrooms during construction. The City Manager has informed Superintendent Wells of the issues raised during PROSC meetings. Commissioner Julia Chang Frank attended the City/AUSD/UC Berkeley 2x2x2 January meeting and discussed the issue with the group.

Julia Chang Frank, Parks, Recreation and Open Space Commissioner, reported construction will extend for at least four years, and AUSD has not agreed to reinstall the basketball courts at the end of construction. PROSC feels the City should request AUSD's assistance in mitigating the issue. In addition, PROSC wants to explore options for a basketball court at Memorial Park. Based on her conversation with Superintendent Wells, Commissioner Chang Frank felt he was supportive and eager to partner with the City to achieve a quick resolution. Community members have submitted a petition signed by more than 100 community members, most of whom are



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Albany residents. Principals from Albany High School and Ocean View have also submitted letters in support of a basketball court at Memorial Park. The Council Strategic Plan, social equity goals, and a Parks and Recreation Master Plan goal and policies support PROSC's request for a Work Plan Amendment. A basketball court in Memorial Park would be within walking distance of most locations in Albany. Based on the number of youths who spoke at PROSC meetings, the issue is relevant to youth.

A summary of the comments from the public is as follows: support for basketball courts at Memorial Park because other courts are slippery, not regulation size, or not accessible and because kids gather at Memorial Park; support for shared use of the tennis courts; youth used the courts daily and organized their own games; youth are safe walking to Memorial Park; an offer to work with the Superintendent and PTA regarding the issue.

A summary of Council comments is as follows: support for amending the Work Plan such that PROSC will explore a temporary solution and a permanent solution that returns the courts to AUSD property; rather than amending the Work Plan, the City should support AUSD in exploring a site for a basketball court; the Council should amend the Work Plan with PROSC to explore multiple options and appropriate details; AUSD should take responsibility for the issue and examine its facilities for options; if AUSD has no viable alternatives, PROSC is the appropriate body to explore City facilities, but it should minimize the use of staff time; a suggestion to limit the amendment to explore the feasibility of adding basketball goals to the tennis courts for shared use of the courts with a contingency that AUSD agrees to restore the basketball courts once the portable classrooms are removed; perhaps the Council could require AUSD to submit a formal request for use of City facilities; the AUSD appointees to the PROSC should present PROSC findings to AUSD; concern that a temporary solution would become a permanent solution; PROSC could explore alternatives but prior to any Council action, AUSD will have to present its plan to the Council; without a financial commitment from AUSD, examining any alternatives is not logical; funding sources other than AUSD may be available.

MOTION:

Moved by Council Member Nason, seconded by Council Member Maass, to amend the Work Plan to explore installing a temporary basketball court in place of those suspended due to construction, contingent upon AUSD's willingness to pay associated costs and provide assurance that the basketball courts that were removed will be restored following construction.

AYES: Council Members Maass and Nason, Mayor Pilch

NOES: Council Member Barnes, Vice Mayor McQuaid

Motion carried and so ordered.

12-2. Update on StopWaste's Development of a Reusable Food Ware Ordinance

Staff recommendation: that the Council provide feedback on the preferred approach to developing a reusable food ware ordinance

Sustainability Coordinator Lizzie Carrade presented the staff report. Most plastic food ware items and to-go containers are neither recyclable nor compostable. Disposable plastic food ware is often created from petroleum, which drives greenhouse gas emissions and is the second greatest source of litter in the Bay Area. Staff has been discussing reusable food ware ordinances with



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StopWaste in an effort to develop mitigations. The goals of an ordinance are to reduce litter and plastic pollution, to reduce compost contamination, to reduce the amount of waste sent to landfills, and to foster a culture of reduce and reuse. Over the past year, StopWaste has sought feedback on different approaches to a reusable food ware ordinance. On January 22, the Waste Management Authority Board voted to focus on researching existing ordinances; to work with local businesses to understand barriers to compliance and unintended consequences; and to incorporate lessons learned into an ordinance.

Staff recommends the Council direct staff to begin stakeholder engagement and work with the Climate Action Committee to develop a draft ordinance specific to Albany. During community engagement for the Climate Action and Adaptation Plan (CAAP), plastic pollution was a primary concern in the Bay Area. In January, the Climate Action Committee identified CAAP Action 3.2.1 as a priority for 2020 implementation. Staff has budgeted resources for implementation of Action 3.2.1. Stakeholder engagement could include working with the Albany restaurant community to learn about current practices and to identify barriers to success. Staff proposes to work with the Climate Action Committee to identify potential ordinance elements before presenting information to the Council.

A summary of the comments from the public is as follows: the City can base its ordinance on any of the laws adopted worldwide.

A summary of Council comments is as follows: the Plastic Reduction Working Group supports a countywide ordinance; concern that the City will expend resources to develop an ordinance that is ineffective; support for a countywide ordinance if not a statewide ordinance; a preference to develop an ordinance in less than two or three years; StopWaste will not need two to three years to craft an ordinance, and StopWaste has the expertise to develop an ordinance that can be put into effect; the disadvantage of a countywide ordinance is the time required for jurisdictions to adopt it; stakeholders should include the Solano Avenue Business Association and restaurant owners; a food ware exchange program would be the ultimate solution for takeout food ware; a countywide ordinance would impose consistent regulations, and StopWaste would enforce the ordinance; having data specific to Albany would be helpful; the City could adopt an ordinance similar to if not the same as Berkeley's ordinance and later revoke it in favor of a countywide ordinance.

The Council directed staff to continue interacting with StopWaste.

12-3. Agreement with Godbe Research to Provide Voter Polling Services

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-13, Authorizing the City Manager to enter into an agreement with Godbe Research in an amount not to exceed \$30,875 to provide voter polling services; and
2. Establish a subcommittee comprised of the Mayor and Vice Mayor to work with staff and the consultant to develop the voter polling survey

City Manager Almaguer presented the staff report. An understanding of the community's support for a ballot measure could inform the Council's discussion of revenue measures. In 2018, the



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Council authorized a subcommittee of the Mayor and Vice Mayor to work with staff and the consultant to develop polling questions.

A summary of Council comments is as follows: audited financial statements should be completed, Measure M revenues should be programmed, and the Council needs to understand infrastructure needs prior to polling; a revenue measure should not be placed on the November ballot; support for a November ballot measure.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor McQuaid, to adopt Resolution No. 2020-13, authorizing the City Manager to enter into an agreement with Godbe Research in an amount not to exceed \$30,875 to provide voter polling services; and establish a subcommittee comprised of the Mayor and Vice Mayor to work with staff and the consultant to develop the voter polling survey.

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

NOES: Council Member Nason

Motion carried and so ordered.

12-4. Nuclear Power from PG&E

Mayor Pilch recommendation: that the Council discuss and take other possible actions, should the Council desire:

1. Direct that the Albany representative vote "no" to accepting nuclear power from PG&E;
2. Direct that the Albany representative vote "yes" to accepting nuclear power from PG&E;
3. Direct that the Albany representative may use her/his own judgment;
4. Take no further action beyond discussion (essentially the same as 3).

Mayor Pilch reported East Bay Community Energy (EBCE) can obtain nuclear power attributes from PG&E at no cost. The community may not wish to utilize nuclear energy. Large hydroelectric attributes have been offered as well, but hydroelectric power is not considered controversial.

Dan Lieberman, East Bay Community Energy Director of Marketing, reported PG&E has sold some of its excess power in the market at a loss. EBCE customers pay a Power Charge Indifference Adjustment (PCIA) fee, and those funds will cover PG&E's loss. The California Public Utilities Commission (CPUC) has determined that EBCE is entitled to make claims on the nuclear attributes. With these attributes, EBCE will not have to purchase more carbon-free attributes to meet its carbon-free obligation, which provides a savings opportunity. Use of the savings has not been determined.

A summary of the comments from the public is as follows: support for using the nuclear power attributes because nuclear power will be a component of carbon-free energy in the future.

A summary of Council comments is as follows: by paying the PCIA fee, customers have already paid for the attributes; support for accepting the power; if new information becomes available, Mayor Pilch should use his judgment to determine the appropriate vote.



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The Council reached consensus that EBCE should accept the power, but Mayor Pilch as Albany's representative should use his discretion in voting.

12-5. Council Subcommittee Reorganization

Staff recommendation: that the Council review and update the composition of the City Council Subcommittees

Council Member Nason announced her resignation from the Alta Bates Hospital Subcommittee and the Community Inclusivity Subcommittee as the Mayor should serve on these subcommittees.

Mayor Pilch agreed to serve on the two subcommittees.

13. FUTURE AGENDA ITEMS

None

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events

- A. Paratransit Workshop, Wednesday, February 5, 11:00 AM – 12:00 PM, Albany Senior Center Multi-Use Room
- B. Chinese New Year Celebration, Thursday, February 6, 3:30 PM – 5:00 PM, Albany Community Center
- C. Family Film Workshop, Friday, February 7, 6:30 PM – 8:30 PM, Albany Library Edith Stone Room
- D. Healthy Garden Talks – Backyard Fruit Trees, Monday, February 10, 6:00 PM – 8:00 PM, Albany Community Center
- E. Recycling 101: Reduce, Reuse, Recycle RIGHT, Tuesday, February 11, 6:30 PM – 8:00 PM, Albany Community Center
- A. Friends of Albany Parks Clean-up and Planting – Albany Hill, Saturday, February 15, 9:00 AM – 12:00 PM, Albany Hill & Creekside Park (End of Taft Street)

14-2. Upcoming City Meetings

- A. Social & Economic Justice Commission, Tuesday, February 4, 7:30 PM, City Hall Council Chambers
- B. Arts Committee, Monday, February 10, 7:00 PM, City Hall Council Chambers
- C. Planning & Zoning Commission, Wednesday, February 12, 7:00 PM, City Hall Council Chambers



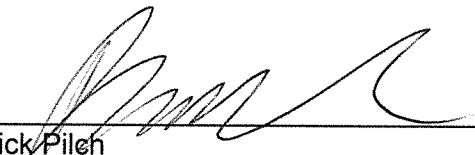
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D. Parks, Recreation & Open Space Commission, Thursday, February 13, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

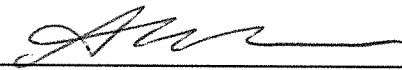
10:14 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting in memory of Jack Stuart.

Minutes submitted by Anne Hsu, City Clerk.



Nick Pilch
Mayor

Attest:



Anne Hsu, City Clerk