



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

6:00 p.m.

SPECIAL MEETING – CLOSED SESSION

- 1. CALL TO ORDER**
- 2. OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS**

City Council convenes in the Council Chambers and then adjourns to Closed Session to discuss the following:

- 2-1. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(2) (1 case)**

A summary of public comment is as follows: screening the cross on Albany Hill would reduce its market value and make eminent domain rather inexpensive.

- 3. ADJOURNMENT OF CLOSED SESSION**

7:30 p.m.

REGULAR MEETING

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
Council Member Nason led the Pledge of Allegiance.
- 2. ROLL CALL**
Present: Council Members Barnes, Maass, and Nason, Vice Mayor McQuaid, Mayor Pilch
Absent: None
- 3. CEREMONIAL MATTERS**

- 3-1. Proclamation – Elder Abuse Awareness Month**

Mayor Pilch read the proclamation and received comments from representatives of the District Attorney's Office and Adult Protective Services.

Mayor Pilch made statements regarding public comment, the community curfew, the death of George Floyd, and public health orders.

Vice Mayor McQuaid made a statement regarding racism and police use of excessive force and congratulated the 2020 class of Albany High School.

- 4. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
Mayor Pilch announced no action was taken.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

5. CONSENT CALENDAR

5-1. Minutes, May 18, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll – Payroll Period: 5/22/2020; Net Payroll: \$282,736.08; Taxes, Benefits, Withholdings: \$315,677.14; Total: \$598,413.22

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: \$63,998.92 (5/15/20), \$682,060.64 (5/22/20)

Staff recommendation: Ratify

5-4. Proclamation – Robin Mariona Retirement

Staff recommendation: Approve

5-5. Proclamation – Rosemarie Chu Retirement

Staff recommendation: Approve

5-6. Proclamation – Sergeant Thomas Dolter Retirement

Staff recommendation: Approve

5-7. Proclamation – Gun Violence Awareness Day

Vice Mayor McQuaid recommendation: Approve

5-8. Proclamation – Pride Month

Vice Mayor McQuaid recommendation: Approve

5-9. Request to Fly Pride Flag

Mayor Pilch & Vice Mayor McQuaid recommendation: that the Council authorize the Pride Flag be flown June 1-30, 2020 at Albany City Hall and Albany Community Center

5-10. Ordinance No. 2020-04 Second Reading to Consider Repeal and Replacement of Section 20.20.080 "Secondary Residential Units" of the Albany Municipal Code

Staff recommendation: that the Council adopt Ordinance No. 2020-04 approving the repeal and replacement of Section 20.20.080 "Secondary Residential Units" of the Albany Municipal Code – Second Reading – Pass to print



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

- 5-11.** Ordinance No. 2020-05 Second Reading to Consider Amendments to Section 20.20.040 "Home Occupations: of the Albany Municipal Code

Staff recommendation: that the Council adopt Ordinance No. 2020-05 approving amendments to Section 20.20.0404 "Home Occupations" of the Albany Municipal Code – Second Reading –Pass to print

- 5-12.** Purchase of New Automated External Defibrillators

Staff recommendation: that the Council adopt Resolution No. 2020-43 for the use of COPS funds for the quoted amount of \$10,380.15 for the purchase of ten new AED units and ten sets of pediatric AED pads for police patrol vehicles and the police booking room/jail area

Staff recommendation: that the Council adopt Resolution No. 2020-43 for the use of COPS funds for the quoted amount of \$10,380.15 for the purchase of ten new AED units and ten sets of pediatric AED pads for police patrol vehicles and the police booking room/jail area

- 5-13.** Extension to Agreement for the Provision of Public Safety Dispatch and Records Management Services to Kensington Police Protection and Community Services District

Staff recommendation: that the Council adopt Resolution No. 2020-47 authorizing the City Manager to execute an extension to the Agreed Medical to provide public safety dispatch and records management services for the Kensington Police Protection and Community Services District

- 5-14.** Contract with Berkeley Food and Housing Project (BFHP) for Albany Project HOPE – Housing Opportunities Expanded

Staff recommendation: that the Council adopt Resolution No. 2020-48 authorizing the City Manager to enter into Contract No. C20-60 with Berkeley Food & Housing Project for Fiscal Years 2020-21 and 2021-22 at a total cost not to exceed \$577,866 for the provision of services for Albany Project HOPE – Housing Opportunities Expanded, the City's homeless outreach, engagement and housing navigation program.

- 5-15.** Contract with the County of Alameda for Additional Library Services, Fiscal Year 2020-21, in the amount of \$725,440

Library Board recommendation: that the Council approve the Fiscal Year 2020-21 agreement between the City of Albany and the County of Alameda for additional library services in the amount of \$725,440

Staff recommendation: that the Council adopt Resolution No. 2020-45, authorizing the City Manager to enter into an agreement with the County of Alameda for additional library services for Fiscal Year 2020-21 in the amount of \$725,440



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, June 1, 2020

5-16. Fiscal Year 2020-21 Community Development Block Grant Project Applicants and Agreement with Alameda County

Staff recommendation: that the Council adopt Resolution No. 2020-46 authorizing:

1. The submission of FY 2020-21 Community Development Block Grant project applications to Alameda County; and
2. The City Manager to enter into an agreement with Alameda County for the use of FY 2020-21 Community Development Block Grant funds in the amount of \$115,717.50

5-17. Cooperation Agreement with Alameda County to Continue Albany's Participation in the Alameda County Urban County to Receive Community Development Block Grant Entitlement Funds

Staff recommendation: that the Council adopt Resolution No. 2020-44 authorizing the City Manager to execute a cooperation agreement with Alameda County to continue participation of the City of Albany in the Alameda County Urban County for CDBG funds

5-18. Letters of Support – Food Assistance

Mayor Pilch & Vice Mayor McQuaid recommendation: that the Council note and file the letters as submitted

5-19. Direction from City Council on Role of Advisory Bodies to Recommend Changes to the Use of City-Owned Rights-of-Way for Maintaining Physical Distancing

Staff recommendation: that the Council authorize the advisory bodies to the City Council including the Transportation Commission and Economic Development Committee to provide recommendations to the City Council regarding opportunities for use of City-owned rights-of-way and associated areas for maintaining social distancing and assisting with the needs of the local business community as businesses begin to reopen for business

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Council Member Barnes removed Item 5-19. Council Member Nason removed Item 5-14. Vice Mayor McQuaid removed Items 5-4, 5-5, 5-6, and 5-15.

Items 5-4, 5-5, and 5-6: Vice Mayor McQuaid and Mayor Pilch thanked the retirees for their many years of service to the Albany community.

Item 5-14: City Manager Nicole Almaguer reported the contract needs to be renewed prior to the termination date of June 30, 2020. Assistant City Manager Isabelle Leduc added that the contract amounts will be included in the FY 2020-21 and 2021-22 budgets.

Item 5-15: Vice Mayor McQuaid requested staff monitor expenditures.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

Item 5-19: City Manager Almaguer reported the intent is to allow advisory bodies to consider topics related to the pandemic and not contained in their Work Plans.

A summary of public comments is as follows: the program is not worth the cost (Item 5-14); invoices for library services will reflect the services offered (Item 5-15); concern about the health and future of the Albany library (Item 5-15); support for Vice Mayor McQuaid's request (Item 5-15); an inquiry regarding the status of the Transportation Commission's April 2020 recommendations (Item 5-19); a suggestion for staff to partner with local businesses to implement two or three prototypes and present the results to the Council at its next meeting (Item 5-19); support for street treatments (Item 5-19).

Community Development Director Jeff Bond advised that the Transportation Commission discussed potential changes to facilitate physical distancing but did not wish to precede Council direction.

A summary of Council comments is as follows: concern about the City's ability to fund the second year of the BFHP contract (Item 5-14); support for approving the two-year BFHP contract with the termination provision (Item 5-14); support for flying the Pride Flag on City property (Item 5-9); interest in flying the transgender flag (Item 5-9); at the last Council meeting, staff indicated they would work with the business community (Item 5-19); support for temporary pilot programs (Item 5-19); support for staff engaging with the business community (Item 5-19).

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Pilch opened the Good of the City.

A summary of public comments is as follows: the Council should monitor housing bills; a request for the Council to join a peaceful protest on June 4; a request for the Council to take a stance on racial inequality; shower facilities are needed; a request for the community to come together to work on a solution to racial inequality.

Mayor Pilch advised that a number of homeless people in Albany have been housed during the pandemic and Mr. Pinguelo has refused to utilize shower facilities offered to him.

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

7-1. City Council Subcommittees:



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
 Albany, CA 94706
 Monday, June 1, 2020

Council Subcommittees	Subcommittee Members	Last Report Date
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid	12/02/2019
Alta Bates Hospital	Pilch & McQuaid	11/18/2019
Cannabis Ordinance	Maass & Pilch	3/2/2020
Community Inclusivity	Pilch & McQuaid	10/21/2019
San Pablo Avenue Corridor Project	Nason & Pilch	10/07/2019
Youth Engagement	McQuaid & Maass	02/18/2020

Council Member Nason, on behalf of the Albany Waterfront Park Subcommittee, reported the new bike path and Point Isabel Park are open. Leashed dogs are allowed in Point Isabel Park.

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	Sarah Levin
Berkeley/Albany Mental Health Board	(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

7-3. City Council Meetings and Events

Vice Mayor McQuaid reported weekly phone conferences among the Chamber of Commerce, the Solano Avenue Association, and staff are ongoing. She attended the East Bay Economic Development Alliance spring meeting, the San Pablo Avenue Specific Plan meeting; an Everyone Home Board meeting; and an Alameda County Transportation Commission (ACTC) planning meeting with the Mayor.

Mayor Pilch reported he attended an Alameda County Waste Management Authority meeting, where he learned about a program for schools to divert food from the trash. At the ACTC meeting, he learned that the State has authorized funding for the Gilman roundabout project and the valley link rail project has moved into the comment period.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, June 1, 2020

8. CITY MANAGER REPORT

City Manager Almaguer reported the Police and Fire Departments have provided mutual aid to neighboring cities. Staff has issued a business recovery survey, and preliminary results will be presented to the Economic Development Committee on Thursday. The City, Chamber of Commerce, and Suzanne Frew presented a webinar for local businesses last week. Waste Management has resumed full services. Staff continues to work on the budget and to project revenue shortfalls caused by COVID-19. More details will be presented at the next Council meeting.

9. PRESENTATION

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

11-1. Consideration of Ballot Measures for the November 2020 General Municipal Election

Staff recommendation: that the Council review draft ballot language for possible revenue measures for the November 2020 election and provide direction to staff regarding development of the full text and associated ordinances for the ballot measures

City Manager Almaguer presented the staff report. Staff seeks Council direction regarding draft language for three potential ballot measures. The ballot measure should be submitted to the County by second meeting in July. The proposed ballot measures are an increase in the real property transfer tax, an increase in the Advanced Life Support (ALS) parcel tax, and an increase and expansion of the Utility Users Tax (UUT). The City of Berkeley annually recalculates its highest tier of real property transfer tax based on the previous year's sales. Emergency Medical Services (EMS) fees include a \$300 First Responders Fee and fees established by the Alameda County Board of Supervisors for ambulance transport. The City typically collects approximately 40% of total EMS fees. Albany Climate Action Coalition's (ACAC) proposal for UUT increases will generate slightly more revenue than staff's proposal. Use of UUT tax revenue for environmental and climate protection was not tested in the public opinion poll. The Council could establish a budget policy based on the UUT increase passing to ensure a percentage or other amount is allocated for implementation of the Climate Action and Adaptation Plan (CAAP).

A summary of public comments is as follows: increasing the UUT as ACAC suggests will encourage conservation and incentivize a reduction in gas usage; low-income households should be exempt from UUT, and Berkeley's public opinion survey found over 60% support for increasing the UUT to 10%; encouragement for the Council not to increase taxes at this time; support for the ACAC proposal for UUT; an explanation of ACAC's proposal for adjusting the UUT on gas and electric utilities.

A summary of Council comments is as follows: support for a flat \$15 per thousand on full value for the real property transfer tax; the community can understand a tiered tax rate, and a tiered rate is progressive; a ballot measure to increase the ALS parcel tax should include an exemption for low-income households; interest in structuring the ALS parcel tax so that it is more equitable;



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

maintaining the current telecommunications tax may benefit people who can afford an increase; support for increasing the UUT to 8% and extending an 8% tax to water as a general tax; a proposal to include language about revisiting use of the tax if economic circumstances improve; a low-income exemption may not be equitable; the polling data may not be accurate given the escalation of the pandemic since the poll was conducted; support for ACAC's proposal for the UUT.

By consensus, the Council directed staff to draft ordinances and ballot materials for ballot measures that increase the real property transfer tax to \$15 and increase the ALS tax to \$68 with exemption for low-income households and to confer with the City of Berkeley and neighboring cities regarding adjustments to the UUT for gas and electric utilities.

11-2. Possible Ballot Measure to Transition Voting Method to Ranked Choice Voting (RCV) at Large

Staff recommendation: that the Council:

1. Receive an update from the subcommittee of Vice Mayor McQuaid and Council Member Nason regarding conversations held with the Asian Americans Advancing Justice – Asian Law Caucus; and
2. Provide direction to staff regarding the drafting of a ballot measure for the November 2020 election to amend the voting method within the City Charter to Ranked Choice Voting at Large

City Clerk Anne Hsu presented the staff report. On May 26, 2020, the Board of Education unanimously approved a resolution in support of a ballot measure to implement Ranked Choice Voting (RCV) at large. A Charter amendment is not needed to implement RCV at large.

Council Member Nason reported the subcommittee could not arrange a meeting with the Asian Law Caucus/Asian Americans Advancing Justice prior to the Council meeting. The Asian Law Caucus supported a bill to make RCV available to general law cities.

A summary of public comments is as follows: support for the ordinance as written; the Council should place RCV on the ballot so that voters can decide if they want it; support for RCV.

A summary of Council comments is as follows: support for placing RCV on the ballot; the issue is voting at large rather than by RCV; a proposal to form a subcommittee that will review and revise, if necessary, ballot language for RCV with Voter Choice Albany (VCA), the City Manager, and the City Attorney; the proposed ballot language is a problem; RCV for Albany will be complicated, will not alter results, and will not resolve the California Voting Rights Act (CVRA) issue; a suggestion to delay RCV for a year; a simple majority of the Council can place the measure on the ballot, but changing RCV will require unanimous Council approval; the subcommittee should meet with the Asian Law Caucus.

MOTION:

Moved by Council Member Maass, seconded by Council Member Barnes, to place Ranked Choice Voting at Large on the November ballot and to direct the subcommittees to meet with Voter Choice Albany, staff, and City Attorney, to review the ordinance language.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

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

NOES: None

Motion carried and so ordered.

By acclamation, the Council continued the meeting to 11:00 p.m.

Mayor Pilch and Vice Mayor McQuaid will comprise the subcommittee that meets with VCA.

Council Members Nason and Barnes will comprise a subcommittee to pursue a meeting with the Asian Law Caucus and City Attorney Subramanian.

11-3. Extension of Temporary Moratorium on Residential and Commercial Evictions for Nonpayment of Rent and Rent Increase during COVID-19 Pandemic

Staff recommendation: that the Council adopt Urgency Ordinance No. 2020-06 entitled: An Urgency Ordinance of the City of Albany Extending the Temporary Moratorium on Evictions Due to Nonpayment of Rent and Rent Increase for Certain Residential and Commercial Tenants During the COVID-19 Pandemic and Setting Forth the Facts Constituting Such Urgency

City Attorney Subramanian presented the staff report. The term of the Urgency Ordinance adopted in March 2020 aligned with the Governor's Executive Order. However, the Governor has extended the term of the Executive Order to July 28, 2020. Tomorrow, the Board of Supervisors will discuss whether the County's urgency ordinance will apply to incorporated cities. The City's ordinance allows the City Manager to suspend portions of the ordinance, if necessary. In addition, the City's ordinance provides commercial protections that the County's ordinance does not provide.

A summary of public comments is as follows: protections in the City's ordinance should meet or exceed protections in the County's ordinance; the term of the City's ordinance need not align with the Executive Order's term; a suggestion to prohibit eviction for nonpayment of rent after the repayment period; .

A summary of Council comments is as follows: a suggestion to change the ordinance to provide a year for repayment of deferred rents for commercial and residential properties.

MOTION:

Moved by Council Member Nason, seconded by Council Member Barnes, to adopt Urgency Ordinance No. 2020-06 with amendments to provide a 12-month rent repayment period and to extend the term to July 28, 2020.

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

NOES: None

Motion carried and so ordered.

12. NEW BUSINESS



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 1, 2020

13. FUTURE AGENDA ITEMS

None

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events – None

14-2. Upcoming City Meetings

A. Economic Development Committee Meeting, Thursday, June 4, 5:00 PM, Virtual Meeting via phone/video conferencing

B. City Council Meeting, Monday, June 15, 7:30 PM, City Hall Council Chambers or Virtual Meeting via phone/videoconferencing

14. ADJOURNMENT


11:03 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting in memory of Caroline Clark and George Floyd.

Minutes submitted by Anne Hsu, City Clerk.



Nick Pilch
Mayor

Attest:



Anne Hsu, City Clerk