



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 15, 2020

7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Pilch 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

Mayor Pilch commented regarding the public comments received at the Town Hall event and revisions to public health orders. Vice Mayor McQuaid echoed Mayor's comment and thanked those who participated in the Town Hall event discussion.

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

5. CONSENT CALENDAR

5-1. Minutes, June 1, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll – Payroll Period: 6/5/2020; Net Payroll: \$288,634.59; Taxes, Benefits, Withholdings: \$314,655.67; Total: \$603,290.26

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: \$45,718.67 (5/29/20); \$90,134.56 (6/5/20)

Staff recommendation: Ratify

5-4. Proclamation – Juneteenth

Vice Mayor McQuaid recommendation: Approve

5-5. On-Call Services Contract for CEQA Consultant

Staff recommendation: that the Council adopt Resolution No. 2020-51, authorizing the City Manager to execute a contract for on-call CEQA services with Rincon Consultants, in an amount not to exceed \$100,000

5-6. Proposed Authorized Adjustments to Local Taxes and Fees Collected on the Property Tax Bill - Library Services Act of 1994; Supplemental Library Services Act of 2006, Emergency



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Medical Services Program; Paramedic Advanced Life Support Tax; 2006 Street Paving and Storm Drain Improvement Tax, Sidewalk Parcel Tax; 2018 Parks and Open Space Parcel Tax; and Sewer Service Charges for FY 2020-2021

Staff recommendation: that the Council:

1. Determine whether any changes to the recommended rates are desired; and
2. Adopt the Resolution No. 2020-49 confirming Fiscal Year 2020-2021 rates applied to the City of Albany Special Taxes and fees collected on the annual property tax bill

- 5-7.** Fiscal Year Tax Rate for the Pension Override Tax to Fund Police and Fire Pension Obligations

Staff recommendation: that the Council adopt Resolution No. 2020-50 approving the FY 2020-2021 (July 1, 2020-June 30, 2021) tax rate for the pension override tax to fund City of Albany Public Safety pension obligations

- 5-8.** Adoption of Update to the Appropriation Limit for the 2020-21 Fiscal Year

Staff recommendation: that the Council adopt Resolution No. 2020-58 establishing the FY 2020-2021 Appropriation Limit at \$23,789,125

- 5-9.** Amendment of Landscape Maintenance Contract No. C20-32 with Pacific Site Management (Term Extension)

Staff recommendation: that the Council adopt Resolution No. 2020-54 authorizing the City Manager to execute Amendment No. 1 to Contract No. C20-32 with Pacific Site Management in the amount of \$108,150 for Landscape Maintenance Services from funds appropriated for the FY20-21 Public Works operating budget

- 5-10.** Call for Bids for the Lower Solano Avenue Curb Ramps Project (Contract No. C20-65) – CIP No. 25011

Staff recommendation: that the Council adopt Resolution No. 2020-56 authorizing the City Manager to approve a Call for Bids for the Lower Solano Avenue Curb Ramps Project, Contract No. C20-65 (CIP No. 25011)

- 5-11.** CIP Project 22000 Annual Sidewalk Rehabilitation, Round Three Call for Bids

Staff recommendation: that the Council adopt Resolution No. 2020-55 authorizing the City Manager to approve a Call for Bids for Round Three of the Annual Sidewalk Rehabilitation Project, Contract No. C20-64

- 5-12.** Initiating Proceedings, Approval of Annual Reports, and Intention to Levy and Collect Assessments in Assessment District No. 1988-1 for the 2020/21 Fiscal Year, and Setting a Public Hearing for July 6, 2020 on the Proposed Assessment



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Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-60 Initiating Proceedings for the Levy and Collection of assessments for the Landscaping and Lighting Assessment District 1988-1 for Fiscal Year 2020/21
2. Adopt Resolution No. 2020-61 Approving the Annual Report for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2020/21
3. Adopt Resolution No. 2020-62 A Resolution of Intention to Levy and Collect Assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2020/21. Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for July 6, 2020 on the proposed assessment

5-13. Agreements Required for the Sale of Surplus City Property at 924 Key Route Blvd.

Staff recommendation: that the Council adopt Resolution 2020-59 authorizing the City Manager to execute agreements required for the sale of surplus City property at 924 Key Route Blvd.

5-14. Addition of Work Plan item to the City's Social & Economic Justice Commission Regarding Systemic Racism

Mayor Pilch recommendation: that the Council authorize the Social and Economic Justice Commission (SEJC) to add to their workplan discussion of how Albany might confront racism

5-15. Black Lives Matter Mural

Mayor Pilch recommendation: that the Council authorize the following:

1. Direct staff to plan and coordinate the installation of a Black Lives Matter mural along the Ohlone Greenway, including a call for volunteers to assist with this project; and
2. Utilize City Council discretionary funds in an amount not to exceed \$6,500 for the project

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid removed Items 5-4, 5-14, and 5-15. Council Member Maass removed Item 5-5. Council Member Nason removed Items 5-9, 5-11, and 5-13. A member of the public removed Item 5-6.

Item 5-4: Vice Mayor McQuaid read the proclamation.

Item 5-5: Planning Manager Anne Hersch reported the consultant would conduct the CEQA analysis for amending the zoning on Albany Hill, should that occur, and the consultant would be paid from the \$100,000 allocated for the contract.

Item 5-6: Public Works Director Mark Hurley reported the methodology for calculating the sewer service charge is available online.

Item 5-9: Public Works Director Hurley reported the contract will be released for bids.



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Item 5-11: Public Works Director Hurley reported staff is in process with implementing the adopted sidewalk policy requiring homeowners to repair or pay for repairs to sidewalks upon sale of the property. Community Development tasked with this project will report back at next meeting.

Item 5-13: Community Development Director Jeff Bond reported staff utilized the standard process for the sale of surplus property.

Item 5-14: Mayor Pilch proposed the Social & Economic Justice Commission continue the Town Hall discussion.

Item 5-15: Mayor Pilch reported community members have requested a mural, and staff proposed placing it on the Ohlone Greenway.

A summary of public comments is as follows: slavery was not abolished across the U.S. on June 19th (Item 5-4); perhaps the City could encourage residents to report sidewalks in need of repair (Item 5-11); the sewer service charge should not be based on pipe length (Item 5-6); the SEJC should do more than simply discuss racial issues (Item 5-14); a question of whether people of color suggested or even want a mural (Item 5-15); the workplan item should charge the SEJC to act on specific policies of the City and the Police Department (Item 5-14); a suggestion for the SEJC to propose a workplan for the City (Item 5-14); educational programs are needed to address systemic problems in schools (Item 5-15); an inquiry about the status of the United Against Hate campaign (Item 5-15); support for obtaining professional services to assist the SEJC (5-14); a mural can be transformative or a token act, and the Arts Committee can provide guidance for a mural project (Item 5-15); a mural has to be supported by policy changes (Item 5-15); the Arts Committee should reach out to Black artists and pay them for their artwork (Item 5-15); the Council has not expressed a sense of urgency for policy changes (Item 5-14); policy change is needed, not a mural (Item 5-15).

A summary of Council comments is as follows: the public can report hazards on the City's website (Item 5-11); the scope of the SEJC workplan item should be specific (Item 5-14); a suggestion for staff to explore and present to the Council a contractor to assist the SEJC (Item 5-14); the City should respond to questions and calls for change expressed at the Town Hall (Item 5-14); comments about problems at schools should be addressed to the Albany Unified School District (Item 5-15); a suggestion for the SEJC to explore defunding the Police Department and to meet twice a month (Item 5-14); the Council may want to reconsider increasing the number of SEJC members (Item 5-14); the Council should probably confer with staff before directing the SEJC to explore budgetary matters (Item 5-14); defunding the Police Department needs to be defined (Item 5-14); a suggestion for the Council to direct the Arts Committee to prepare a recommendation for an art project that supports the racism conversation (Item 5-15); the Arts Committee may not be able to respond with urgency (Item 5-15); funds would be better spent on concrete and positive programs (Item 5-15); an holistic approach is needed (Item 5-15); an art project involving volunteers should be mindful of social distancing guidelines (Item 5-15); a mural should be professional and sensitive as it will be visible for many years (Item 5-15); the City needs to hire experts to ensure it does the right thing (Items 5-14 and 5-15); community members should inform themselves about candidates in the fall election and budget issues (Item 5-15).



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MOTION:

Item 5-14: Moved by Vice Mayor McQuaid, seconded by Council Member Nason, to authorize the Social and Economic Justice Commission to add to its workplan a discussion of how Albany might confront racism and to direct staff to retain professional services to assist the Social and Economic Justice Commission with developing an action plan and bring back to the Council.

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

NOES: None

Motion carried and so ordered.

MOTION:

Item 5-15: Moved by Council Member Nason, seconded by Vice Mayor McQuaid, to send an open referral to the Arts Committee for an art project, and for the Arts Committee to gather input from the community and return to Council with recommendations.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to approve Items 5-1 through 5-13.

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: use of public space for social distancing will be important for businesses, but the City needs to provide more assistance; the City is overpaying for sheltering homeless people; encouragement for the City to celebrate Juneteenth and an invitation to a Juneteenth symposium on Friday.

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

7-1. City Council Subcommittees:

Council Subcommittees	Subcommittee Members	Last Report Date
Albany Waterfront Park (Albany Bulb)	Nason & McQuaid	6/1/2019
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



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Mayor Pilch reminded that subcommittees report on a quarterly basis.

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

Council Member Maass reported he attended the Association of Bay Area Governments (ABAG) General Assembly, where budget proposals included reducing dues for counties and increasing dues for cities. On June 25, an ABAG General Assembly will discuss Regional Housing Needs Assessment (RHNA) goals.

Vice Mayor McQuaid reported the Housing Authority of Alameda County approved its financial audit and fiscal year 2020-21 budget and awarded 18 scholarships totaling \$15,000.

Mayor Pilch reported he attended a StopWaste meeting, an Alameda County Transportation Commission (ACTC) Planning and Legislation meeting, the Mayors' Conference, the Mayors' Conference Homeless Working Group with Vice Mayor McQuaid and City Staff, and the East Bay Community Energy (EBCE) Finance Committee meeting. EBCE's rates for Brilliant 100, the City's default energy plan, do not cover the cost of the energy, and EBCE could maintain the rate, increase the rate, or discontinue the plan.

3. City Council Meetings and Events

Vice Mayor McQuaid reported staff, business organizations and she continue to confer via telephone weekly. She participated in League of California Cities Policy Committee meetings and a Climate Mayors teleconference and attended the school reopening task force meeting and the protest.

Mayor Pilch reported he participated in the weekly COVID-19 call with the County of Alameda, the protest, the Climate Mayors teleconference, and attended the Town Hall, a League of Women Voters meeting, an Oakland African-American Chamber of Commerce meeting, and a meeting with staff regarding outdoor dining.



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8. CITY MANAGER REPORT

City Manager Almaguer reported pothole repairs will begin during the week. The base for the pedestrian beacon at Marin/Talbot has been installed, and the poles and equipment will be installed later in the week or the following week. Work on a sewer project on Marin Avenue will begin June 22, 2020. The Senior Center has delivered 3,763 meals, 210 brown bags, and essential items to 78 individuals and served 2,500 calls. Information about tax exemptions has been posted on the website. Information about the Police Department and its policies and procedures is available at albanyca.org/police. Support for the local business community is a priority for the City, and staff members work on the program and with businesses daily. Staff is preparing a reopening guide for businesses.

9. PRESENTATION

9-1. Year to Date Financial Update and FY 2020-21 Budget Overview

Staff recommendation: that the Council receive a presentation on the current and next year budgets and adopt Resolution No. 2020-53 approving the updated salary schedule

City Manager Almaguer reported the pandemic necessitates an ongoing analysis of the City budget so that the Council can make informed decisions about sustaining the budget over the long term and maintaining core services.

Finance Director Heather Rowden presented the staff report. As of May 31, expenses exceed revenues. Transfers from special revenue funds to the General Fund will be posted at the end of the fiscal year (FY). A number of expenses will also be posted at year end. The fiscal year will likely end with a deficit. FY 2019-20 revenues are down in comparison to FY 2019, 2018, and 2017. The City has received the majority of its property tax revenue. Sales tax revenue has decreased significantly because of the pandemic. Staff is reducing expenses as much as possible.

The FY 2020-21 budget was adopted on June 17, 2019. Little in the FY 2020-21 budget has changed from FY 2019-20. The proposed salary schedule update will not change the budget. The deficit increases to \$1.13 million in FY 2020-21. Staff plans to return to the Council in September with proposed changes to address the deficit and in December with additional changes depending on the outcome of revenue measures. Hopefully sales tax revenues will increase when businesses reopen. Transient occupancy tax (TOT) revenue and utility users tax (UUT) revenue have decreased. Recreation Department revenues and expenses have decreased. Staff estimates a 7.62 percent decline in City revenues.

A summary of public comments is as follows: a suggestion for the City to investigate pension relief through the Coronavirus Aid, Relief and Economic Security (CARES) Act; a question about oversight of overtime in the Police Department.

Finance Director Rowden explained that overtime is incurred for vacant positions and officers on approved leave. Overtime is closely monitored in the Police Department.



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MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to adopt Resolution No. 2020-53 approving the updated salary schedule.

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

NOES: None

ABSTAIN: Council Member Nason

Motion carried and so ordered.

10. PUBLIC HEARING

10-1. Amending the City of Albany Master Fee Schedule

Staff recommendation: that the Council adopt Resolution No. 2020-52 – A Resolution of the Albany City Council amending the City of Albany Master Fee Schedule

Finance Director Rowden presented the staff report. A third-party conducted a fee study for the Community Development Department and recommended a number of changes. Other changes pertained to administration, formatting and updating the City Attorney's hourly rate. Community Development Director Bond stated that the fee changes are to bring Albany fees into alignment with staff hour spent and with requirements of the State law. Compared to most cities, Albany continues to have relatively low permit fees.

A summary of Council comments is as follows: announcing the fees changes should be noted on the City website.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to adopt Resolution No. 2020-52, a Resolution of the Albany City Council amending the City of Albany Master Fee Schedule

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

NOES: None

Motion carried and so ordered.

11. UNFINISHED BUSINESS

11-1. Consideration of a Ballot Measure to Increase Users Utility Tax Rates

Staff recommendation: that the Council review the options for an increase to the Users Utility Tax and provide direction to staff on which option to utilize to develop draft ballot language for the November 2020 election

City Manager Almaguer presented the staff report. The Council previously reviewed three potential revenue measures for the November 2020 election and directed Staff to proceed with increases in the real property transfer tax and the Advanced Life Support (ALS) parcel tax. As directed, staff has worked with the Albany Climate Action Coalition (ACAC) to identify opportunities to blend staff's Users Utility Tax (UUT) proposal with ACAC's proposal. The public opinion poll tested staff's proposal but not ACAC's proposal. ACAC's proposal to increase the



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gas and electricity rates to 9.5%, add a 7% rate to water, and maintain the 6.5% rate for telecommunications would generate less revenue than staff's original proposal. If the Council chooses to proceed with a UUT rate increase, it should determine the percentage structure, the allocation of funds, and whether to utilize a percentage increase over time for gas and electricity. PG&E can exempt residents enrolled in the CARE Program from the UUT.

A summary of public comments is as follows: support for placing the revenue measure on the ballot; opposition to any tax revenue increase being allocated to the Police Department; support for the ACAC proposal; ACAC's proposal will incentivize reduced gas consumption and fund the Climate Action and Adaptation Plan (CAAP); ACAC's proposal will probably increase the likelihood of voters passing the measure.

A summary of Council comments is as follows: a preference for mixed UUT rates; concern that raising the rates too much or making the structure complex could result in the voters not supporting the measure; support for the third option; support for an 8% rate for all utilities; ACAC's proposal is overly complicated; support for the second option; residents support climate change initiatives; opposition to the second option because it does not raise as much revenue; allocating revenue to CAAP initiatives is reasonable; concern that the City is proposing tax increases without a long-term financial plan or budget; opposition to increasing UUT rates; ACAC's support could be valuable in passing a measure; opposition to increasing the gas rate without a cap; a preference to use conservative increases with the uncertainty of the economy.

By acclamation, the Council extended the meeting to 11:40 p.m.

A summary of additional public comment is as follows: the City's goal is zero gas consumption by 2040; the Council will have to authorize an increase in the gas rate; annual increases in the gas rate will disincentivize gas consumption.

A summary of additional Council comments is as follows: a proposal to discuss a cap on increasing the gas rate at the July 6 Council meeting; the Council needs to give the UUT increase the best possible chance for passage.

MOTION:

Moved by Council Member Maass, seconded by Mayor Pilch, to direct staff to proceed with a ballot measure that increases the UUT rates to 7% on telecommunications, 9.5% on electricity, 9.5% on gas, and 7.5% on water with language for the Council to make incremental changes in the gas rate as stated in the staff report, a recommendation to allocate 1/3 revenue to CAAP initiatives, and an exemption for low-income households; and to return to the Council in July with recommendations for a cap on the gas rate increases.

AYES: Council Member Maass, Vice Mayor McQuaid, Mayor Pilch

NOES: Council Members Barnes and Nason

Motion carried and so ordered.

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

Staff recommendation: that the Council:



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1. Receive an update from the subcommittee of Council Members Barnes and Nason regarding conversations held with the Asian Americans Advancing Justice – Asian Law Caucus;
2. Receive an update from the subcommittee of Mayor Pilch and Vice Mayor McQuaid regarding the review of the Ordinance language to transition to Ranked Choice Voting at Large; and
3. As recommended by the subcommittee of Mayor Pilch and Vice Mayor McQuaid: that the Council adopt Resolution No. 2020-57 submitting to the qualified voters of the City of Albany a measure (Ordinance No. 2020-xx) adding Chapter 7 to the Albany Municipal Code to establish Ranked Choice Voting as the means of electing members of the City Council and Board of Education; at a General Municipal Election to be Consolidated with the Statewide General Election to be held on November 3, 2020; and setting rules and deadlines for the submittal of arguments for and against the measure

City Clerk Hsu presented the staff report. On June 1, the Council formed a subcommittee to engage the Asian Law Caucus, supported placing a measure for Ranked Choice Voting (RCV) at large on the November ballot, and formed a second subcommittee to meet with representatives of Voters Choice Albany (VCA) and the City Attorney to review ordinance language.

Council Member Nason reported the subcommittee met with representatives of the Asian Law Caucus and VCA and the City Attorney. The Asian Law Caucus representative advised that RCV at large is appropriate in some circumstances.

Council Member Barnes added that the representative was not aware of the specific situation in Albany and could not recommend a course of action for Albany.

Mayor Pilch reported the subcommittee met with VCA representatives and the City Attorney and reviewed the ordinance language. A preamble was added and minor edits were made to the ordinance. The City Attorney and VCA's attorney will prepare the ballot question.

Vice Mayor McQuaid advised that Section 7-1.2 now requires a four-fifths Council vote to change the ordinance instead of unanimous votes.

A summary of public comments is as follows: VCA encourages the Council to allow VCA to write the pro argument for the ballot measure; support for placing the measure on the ballot; appreciation for Council Members meeting with VCA.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to adopt Resolution No. 2020-57 submitting to the qualified voters of the City of Albany a measure (Ordinance No. 2020-xx) adding Chapter 7 to the Albany Municipal Code to establish Ranked Choice Voting as the means of electing members of the City Council and Board of Education at a General Municipal Election to be Consolidated with the Statewide General Election to be held on November 3, 2020.

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

NOES: None

Motion carried and so ordered.



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12. NEW BUSINESS

13. FUTURE AGENDA ITEMS

Mayor Pilch noted an item waiving encroachment permit fees for businesses will be presented to the Council.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events – None

14-2. Upcoming City Meetings

A. Planning & Zoning Commission Meeting, Wednesday, June 24, 7:00 PM, Virtual Meeting via phone/video conferencing

B. Transportation Commission Meeting, Thursday, June 25, 7:00 PM, Virtual Meeting via phone/video conferencing

C. City Council Meeting, Monday, July 6, 7:30 PM, City Hall Council Chambers or Virtual Meeting via phone/video conferencing

14. ADJOURNMENT

11:37 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.



Nick Pilch
Mayor

Attest:



Anne Hsu, City Clerk