



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Council Member Barnes 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 and Vice Mayor McQuaid read statements regarding spikes in COVID-19 cases and Health Orders.

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

5. CONSENT CALENDAR

5-1. Minutes, June 15, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll

1. Payroll Period: 6/19/2020; Net Payroll: \$315,303.06; Taxes, Benefits, Withholdings: \$331,404.21; Total: \$646,707.27
2. Payroll Period: 7/2/2020; Net Payroll: \$310,540.96; Taxes, Benefits, Withholdings: \$327,408.07; Total: \$637,949.03

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: \$107,381.68 (6/12/20); \$107,895.49 (6/19/20); \$267,295.32 (6/26/20)

Staff recommendation: Ratify

5-4. Establishing Rules for the November 3, 2020 Election

Staff recommendation: that the Council adopt Resolution No. 2020-68, Establishing Rules for the Conduct of the November 3, 2020 Election

5-5. Accepting Donation from Albany Ford-Subaru to the Albany Police Department



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

Staff recommendation: that the Council adopt Resolution No. 2020-64, accepting the donation of funds from John Nakamura of Albany Ford-Subaru designated to the Police Department and authorizing the City Manager to execute necessary documents on behalf of the City to accept and confirm receipt of the donation

5-6. Contract Renewal for Animal Control Services with the City of Berkeley

Staff recommendation: that the Council adopt Resolution No. 2020-63 approving an amendment to renew for 3 years the City of Berkeley Animal Control Services Contract for the period FY 2020-21 to FY 2022-23 (July 1, 2020 – June 30, 2023) in an amount not to exceed \$249,653

5-7. Amendment to Fiscal Year 2019-20 Community Development Block Grant Agreement with Alameda County

Staff recommendation: that the Council adopt Resolution No. 2020-72 authorizing:

1. The submission of FY 2019-20 Community Development Block Grant (CDBG) project applications to Alameda County for CDBG Urban County COVID-19 funds; and
2. The City Manager to enter into Amendment 1 of the agreement with Alameda County for the use of FY 2019-20 Community Development Block Grant funds (County Agreement No. 18920, COA tracking No. C20-4), increasing the amount by \$25,000 from \$588,741 to 613,741

5-8. Fiscal Year 2020-21 Agreement with the County of Alameda for Janitorial Services at the Albany Library

Staff recommendation: that the Council adopt Resolution No. 2020-77, authorizing the City Manager to enter into an agreement with Alameda County for the provision of janitorial services at the Albany Library for Fiscal Year 2020-21 in the amount of \$43,389

5-9. Status Report on Implementation of Requirement for Sidewalk Repairs at Time of Transfer, Construction, and Remodeling

Staff recommendation: for information only

5-10. Approval of Construction Contract Change Order #1 for Contract No. C20-21 – Pavement Base Repair and Final Paving Project (CIP No. 21000)

Staff recommendation: that the Council adopt Resolution No. 2020-66, authorizing the City Manager to approve Contract Change Order #1 to Contract No. C20-21 with Bay Cities Paving & Grading to perform additional base repair and paving on various city streets in the amount of \$188,700 from previously appropriated funds for the Annual Street Rehabilitation Program (CIP Project No. 21000)

5-11. CIP Project No. 32000 – 2018 Sanitary Sewer Rehabilitation Project Closeout (Contract No. C18-10) and Filing of Notice of Completion



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

Staff recommendation: that the Council adopt Resolution No. 2020-76, authorizing the City Manager to accept the improvements completed in Contract No. C18-10 (2018 Sanitary Sewer Rehabilitation Project) and file the Notice of Completion with the County Recorder's Office

5-12. Accepting Donation of an Eagle Scout Project from Boy Scouts of America Troop 6, Berkeley

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-65, accepting the donation of a bench valued at approximately \$2,000 for the Dog Park at Memorial Park.
2. Authorize the City Manager to execute the Donation Acceptance Agreement

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Mayor Pilch removed Items 5-4, 5-5, and 5-12 from the consent calendar.

Item 5-4: Mayor Pilch reported the City could absorb some of the cost for candidate statements filed by Council candidates.

Item 5-5: Mayor Pilch hoped Albany Ford-Subaru made the donation in the spirit and with consideration of the Black Lives Matter movement.

Item 5-12: Public Works Director Mark Hurley reported staff is working with the Eagle Scout to ensure the bench complies with standards and will construct the concrete pad for the bench.

A summary of public comments is as follows: a description of the arbor and bench for the dog park.

A summary of Council comments is as follows: appreciation and thanks for the Eagle Scout's donation.

MOTION:

Moved by Council Member Maass, seconded by Vice Mayor McQuaid, 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: requests for the Council to schedule agenda items regarding establishing a citizens' oversight commission for the Police Department and defunding the Police Department; the Council needs to respond actively and respectfully to the community's demands; an analysis of public comments to the Council regarding the Police Department; encouragement for the public to engage with the Social & Economic Justice Commission regarding Police Department issues; the City needs alternative programs for handling homeless



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

and mental health issues; the Council should investigate and defund the Police Department; a year is not sufficient time to correct decades of racism; the community wants transparency regarding the Police Department budget.

Mayor Pilch advised that the Council referred a discussion of racism to the Social & Economic Justice Commission and a discussion of a Black Lives Matter mural to the Arts Committee. The Council anticipates holding substantial discussions of the budget in September.

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	6/01/2019
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

Vice Mayor McQuaid, on behalf of the Alta Bates Hospital Subcommittee, summarized AB 2037 regarding reducing or eliminating emergency medical services and litigation against Sutter Health.

Mayor Pilch reported a party contacted the Cannabis Ordinance Subcommittee about doing business in Albany.

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



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, July 6, 2020

Mayor Pilch reported he attended a StopWaste meeting where he learned about the Water Efficient Landscape Ordinance (WELo) tool kit; an East Bay Community Energy (EBCE) meeting where board members reaffirmed the moratorium on shutoffs, reduced the discount for Bright Choice, and deferred action on Brilliant 100; and an Alameda County Transportation Commission (ACTC) meeting.

7-3. City Council Meetings and Events

Vice Mayor McQuaid reported she has participated in webinars, weekly meetings with the business community and staff, a League of California Cities, East Bay Division, meeting, the Mayors and Council Members Forum sponsored by the League of California Cities, and meetings regarding reopening schools.

Council Member Nason reported she has attended many webinars.

Mayor Pilch reported he has attended meetings about reopening schools and participated in biweekly calls about COVID-19.

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported staff continues to focus on responding to the pandemic. The Emergency Operations Center continues to monitor and respond to the current situation. On July 7, Albany CARES will host a virtual presentation regarding services and resources for seniors and Albany residents. The Recreation & Community Services Department has distributed approximately 4,500 meals and 300 brown bags; responded to roughly 3,000 phone calls for assistance; and delivered about 100 essential items. The nomination filing period for City Council and Board of Education candidates runs July 13 through August 7. Staff has launched a program to assist local gyms with outdoor space for their programs.

9. PRESENTATION

10. PUBLIC HEARING

10-1. Public Hearing to Authorize Collection of Delinquent Garbage Bills by Placement on the County Tax Rolls

Staff recommendation: that the Council adopt Resolution No. 2020-67, confirming the special assessment list for delinquent residential garbage bills and authorizing the delinquent charges be placed on the County tax rolls

Sustainability Coordinator Elizabeth Carrade presented the staff report. Waste Management is required to continue regular weekly residential collection services even when unable to obtain payment for past-due bills. In 2013, the Council passed an ordinance authorizing collection of delinquent garbage bills by placing them on the Alameda County tax rolls. Waste Management has sent four delinquency notices to accounts delinquent more than 90 days as of January 2020, and the City has sent a final request for payment. Unpaid balances less than \$20 are not included



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

in the list. Multifamily and commercial properties are exempt from the process. If delinquent amounts are paid in full, the assessment will be removed from the property.

A summary of public comments is as follows: a suggestion for staff to ensure people are not abusing the policy.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to adopt Resolution No. 2020-67, confirming the special assessment list for delinquent residential garbage bills and authorizing the delinquent charges be placed on the County tax rolls.

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

NOES: None

Motion carried and so ordered.

10-2. Repealing of Albany Municipal Code Section 4-4 "Telephone, Gas and Electricity Users Tax" – First Reading

Staff recommendation: that the Council introduce for first reading Ordinance No. 2020-08 repealing Section 4-4 "Telephone, Gas and Electricity Users Tax" of the Albany Municipal Code

City Clerk Anne Hsu presented the staff report. Municipal Code Section 4-4 was adopted in 1958 and last amended in 1995. In 2010, Municipal Code Section 4-11 was codified with the passage of Measure O. The City Attorney recommends repealing this section to eliminate possible confusion with the Utilities Users Tax (UUT).

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Nason, to introduce for first reading Ordinance No. 2020-08 repealing Section 4-4, "Telephone, Gas and Electricity Users Tax," of the Albany Municipal Code.

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

NOES: None

Motion carried and so ordered.

10-3. Public Hearing on the Levy of Assessments within Assessment District No. 1988-1 for Fiscal Year 2020/21 pursuant to the Landscaping and Lighting Act of 1972

Staff recommendation: that the Council adopt Resolution No. 2020-78, confirming the Diagram and Assessment, levying Assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2020/21 (pursuant to the Landscaping and Lighting Act of 1972) and ordering the Levy to be placed on the Fiscal Year 2020/21 secured property tax roll

Public Works Director/City Engineer Mark Hurley presented the staff report. On June 15, the Council initiated the proceedings for levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for fiscal year 2020/21 and approved the annual report. The annual report provides the methodology for calculating assessments and use of funds. After a



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

public hearing, the Council may confirm the Diagram and Assessment, levy the assessments, and order placement of the levy on the tax roll.

A summary of Council comments is as follows: perhaps this outdated means of taxation can be replaced with a simpler means; the assessments cannot be increased for inflation.

MOTION:

Moved by Council Member Nason, seconded by Council Member Barnes, to adopt Resolution No. 2020-78, confirming the Diagram and Assessment, levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2020/21 (pursuant to the Landscaping and Lighting Act of 1972), and ordering the levy to be placed on the Fiscal Year 2020/21 secured property tax roll.

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

NOES: None

Motion carried and so ordered.

11. UNFINISHED BUSINESS

11-1. Consultant Services to Assist the City's Social and Economic Justice Commission and the City Council in the Development of an Action Plan to Address Systemic Racism and Further Inclusivity and Social Equity within the City of Albany

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-75, authorizing the City Manager to execute a contract agreement with Nicole Anderson and Associates Consulting, LLC. in an amount not to exceed \$30,000 to provide assistance to the City, City Council, and the City's Social & Economic Justice Commission to develop an action plan to address systemic racism and further inclusivity and social equity within the City; and
2. Provide additional direction to the City's Social and Economic Justice Commission on next steps towards working with the consultant to create an Action Plan

City Manager Almaguer presented the staff report. The Council directed staff to locate an experienced consultant to guide conversations and develop an action plan regarding issues raised in the recent Town Hall and systemic racism. Staff spoke with consultant recommended by Albany Unified School District's (AUSD) regarding her ability to provide a proposal and support the Social and Economic Justice Commission (SEJC). Staff has provided the Council with the consultant's proposal and curriculum vitae and numerous public comments.

A summary of public comments is as follows: suggestions to focus on making changes and to refer the proposal to the SEJC for review; concerns about the process for selecting the consultant and the consultant's experience; action needs to occur soon rather than over the next year; the timeline should reflect delivery of SEJC recommendations by late summer or early fall; policing should be the first area of engagement; a suggestion for an initial six-month contract and a subsequent one or two-year contract; a suggestion for staff to check the consultant's references; the proposal should include analysis of the budgets, structures, and recent spending of the Police Department and social services; the consultant should be paid from the Police Department's budget; the Council is not moving in the right direction; there is no time to conduct research and



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

to locate and interview multiple consultants; the Council needs a better plan and a shorter timeline; a suggestion for the Council to address the Police Department's budget and refer racism to the SEJC.

A summary of Council comments is as follows: a suggestion for the SEJC to meet with the consultant prior to the Council's approving a contract with her; a suggestion for a community survey to identify the issues; explaining the Police Department's budget and addressing policy issues in a few months is impossible; a consultant for Police budgetary matters would be helpful; support for an SEJC meeting with the consultant and a separate consultant for Police budgetary issues; the Council needs to have a dialog with the Police Chief; the SEJC should work on diversity, equity, and inclusion with the consultant; the Police Department and its budget is a Council responsibility; staff followed the Council's direction in locating a consultant quickly; a suggestion to create a Council subcommittee composed of Vice Mayor McQuaid and Mayor Pilch to work with staff to prepare a Request for Proposals (RFP) for a second consultant regarding Police budgetary issues; the Police Chief should be part of the search for a second consultant; some responsibilities may need to be moved from the Police Department to social services staff; the Council needs data about types and numbers of police calls and police conduct; a preference for the Council to either approve or reject the consultant contract during the meeting.

By acclamation, the Council extended the meeting to 11:30 p.m.

A summary of additional Council comments is as follows: concern that a meeting between the consultant and the SEJC could suggest the SEJC is hiring the consultant; the role of this consultant is different from that of most consultants the City hires.

MOTION:

Moved by Council Member Maass, seconded by Council Member Barnes, to adopt Resolution No. 2020-75, authorizing the City Manager to execute a contract agreement with Nicole Anderson and Associates Consulting, LLC. in an amount not to exceed \$30,000 to assist the City, City Council, and the City's Social & Economic Justice Commission with developing an action plan that addresses systemic racism and furthers inclusivity and social equity within the City.

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

NOES: Council Members Barnes and Nason

Motion carried and so ordered.

A summary of further Council comments is as follows: the Council may need data about Police Department actions such as time spent on investigations and traffic stops and complaints about police officers; technical assistance will be needed to analyze and interpret that data; the budget discussion should occur first; the Council should discuss with the Police Chief whether he has adequate tools to deal with unwanted attitudes in the department; the SEJC is interested in statistical analysis of police activity; the SEJC has a significant task in addressing racism; interest in reviewing data regarding policy activity.

Mayor Pilch noted Council consensus to direct staff to return with detailed Police Department budget information and statistical data of police activity.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, July 6, 2020

11-2. Calling for a General Municipal Election, Requesting Consolidation with the Statewide General Election, and Calling for Placement of Tax Measures on the November 3, 2020 General Municipal Election Ballot

Staff recommendation: that the Council:

1. Adopt Resolution No. 2020-69, calling for placement of two general tax measures on the November 3, 2020 General Municipal Election ballot for submitting to the voters an ordinance (Ordinance No. 2020-09) amending Section 4-5 of the Albany Municipal Code increasing the rate of the Real Property Transfer Tax, and an ordinance (Ordinance No. 2020-10) amending section 4-11 of the Albany Municipal Code increasing the maximum rate of the Utility Users' Tax on gas, electric and communications service and extending said tax to water service; and authorize the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election
2. Adopt Resolution No. 2020-70, calling for placement of a special tax measure on the November 3, 2020 General Municipal Election ballot for submitting to the voters an ordinance (Ordinance No. 2020-11) amending Section 4-8 of the Albany Municipal Code increasing the rate of the Paramedic Advanced Life Support Fire Engine and Ambulance Special Tax and providing for certain exemptions and rebates from the special tax for qualifying very low-income residents; and authorizing the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election
3. Adopt Resolution No. 2020-71, requesting the Board of Supervisors of Alameda County to consolidate a General Election to be held November 3, 2020 with the Statewide General Election to be held on the same date pursuant to Section 10403 of the Elections Code for the submission of three City tax measures at said election
4. Adopt Resolution No. 2020-74, providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding three City tax measures to be submitted at the November 3, 2020 General Municipal Election
5. Assign a Council subcommittee or subcommittees to prepare written arguments for the four ballot measures as identified in Resolution No. 2020-57 (Ranked Choice Voting at large), 2020-69 (Transfer Tax & UUT), 2020-70 (ALS Tax) per the rules set in Resolution No. 2020-74

City Clerk Hsu presented the staff report. As the Council directed, the City Attorney has drafted ordinance language for measures increasing the Real Property Transfer Tax, the Utility Users Tax (UUT), and the Advanced Life Support, Fire Engine, and Ambulance (ALS) Special Tax.

City Manager Almaguer requested the Council provide direction regarding the cap for the UUT on gas service. Staff has included language in the ordinance exempting individuals enrolled in East Bay Municipal Utility District's (EBMUD) Customer Assistance Program (CAP). The City Attorney has advised that the ballot question for the UUT measure needs to be revised to include a ceiling on the gas tax. The ordinances provide the City Attorney in consultation with the City Clerk the ability to make changes should there be minor issues with the language.

A summary of public comments is as follows: a suggestion for language regarding the cap on the gas tax; the Real Property Transfer Tax will increase 30%, which will make Albany a less affordable place to live; support for the UUT measure with an 18% cap; the telecommunications



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

tax should not be increased; the Council should provide incentives; support for the UUT measure as proposed by the Albany Climate Action Coalition (ACAC) with a 19% cap on the gas tax.

A summary of Council comments is as follows: the ballot statement for the UUT needs to be edited; a preference to increase the UUT rate to 8% for all utilities; opposition to increasing taxes until the City's financial information is complete; opposition to setting the UUT at 8% for all utilities.

MOTION:

Moved by Council Member Barnes, seconded by Vice Mayor McQuaid, to adopt Resolution No. 2020-69, calling for placement of two general tax measures on the November 3, 2020 General Municipal Election ballot, submitting to the voters an ordinance (Ordinance No. 2020-09) amending Section 4-5 of the Albany Municipal Code to increase the rate of the Real Property Transfer Tax and an ordinance (Ordinance No. 2020-10) amending Section 4-11 of the Albany Municipal Code to increase the maximum rate of the Utility Users Tax on gas, electric and communications service and extend said tax to water service, and authorizing the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election; and to amend the Utility Users Tax rate to 8% for all utilities.

AYES: Council Member Barnes Vice Mayor McQuaid

NOES: Council Members Maass and Nason, Mayor Pilch

Motion failed.

By acclamation, the Council extended the meeting to 12:00 midnight.

MOTION:

Moved by Vice Mayor McQuaid to adopt Resolution No. 2020-69, calling for placement of two general tax measures on the November 3, 2020 General Municipal Election ballot, submitting to the voters an ordinance (Ordinance No. 2020-09) amending Section 4-5 of the Albany Municipal Code to increase the rate of the Real Property Transfer Tax and an ordinance (Ordinance No. 2020-10) amending Section 4-11 of the Albany Municipal Code to increase the maximum rate of the Utility Users Tax on gas, electric and communications service and extend said tax to water service, and authorizing the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election; and to amend the Utility Users Tax rate to 9.5% for gas and electricity, 7% for telecommunications, and 7.5% for water.

Motion failed due to the lack of a second.

MOTION:

Moved by Mayor Pilch, seconded by Council Member Maass, to adopt Resolution No. 2020-69, calling for placement of two general tax measures on the November 3, 2020 General Municipal Election ballot, submitting to the voters an ordinance (Ordinance No. 2020-09) amending Section 4-5 of the Albany Municipal Code to increase the rate of the Real Property Transfer Tax and an ordinance (Ordinance No. 2020-10) amending Section 4-11 of the Albany Municipal Code to increase the maximum rate of the Utility Users Tax on gas, electric and communications service and extend said tax to water service; and authorizing the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election; and to amend the Utility Users Tax rate to 9.5% for electricity and gas and 7.5% for water.

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

NOES: Council Members Barnes and Nason



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

Motion carried and so ordered.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to adopt Resolution No. 2020-70, calling for placement of a special tax measure on the November 3, 2020 General Municipal Election ballot, submitting to the voters an ordinance (Ordinance No. 2020-11) amending Section 4-8 of the Albany Municipal Code to increase the rate of the Paramedic, Advanced Life Support, Fire Engine, and Ambulance Special Tax and providing for certain exemptions and rebates from the special tax for qualifying very-low-income residents; and authorizing the City Clerk or her duly authorized officers to carry out all the necessary procedures for said election.

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

NOES: Council Member Nason

Motion carried and so ordered.

MOTION:

Moved by Council Member Maass, seconded by Council Member Barnes, to adopt Resolution No. 2020-71, requesting the Board of Supervisors of Alameda County consolidate a General Election to be held November 3, 2020 with the Statewide General Election to be held on the same date pursuant to Section 10403 of the Elections Code for the submission of three City tax measures at said election.

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

NOES: Council Member Nason

Motion carried and so ordered.

MOTION:

Moved by Council Member Maass, seconded by Council Member Barnes, to adopt Resolution No. 2020-74, providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding three City tax measures to be submitted at the November 3, 2020 General Municipal Election.

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

NOES: Council Member Nason

Motion carried and so ordered.

Subcommittee assignments in support of measures:

Ranked Choice Voting: Mayor Pilch, Council Member Maass

Real Property Transfer Tax: Council Member Barnes, Mayor Pilch

Utility Users Tax: Mayor Pilch, Council Member Maass

Advanced Life Support: Vice Mayor McQuaid, Council Member Barnes

MOTION:

Moved by Mayor Pilch, seconded by Council Member Maass, to form a subcommittee for each ballot measure; to task each subcommittee with preparing an argument in support of its ballot measure; and to appoint Council Members to the subcommittees as stated above.

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

NOES: None

ABSTAIN: Council Member Nason



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 2020

Motion carried and so ordered.

MOTION:

Moved by Council Member Barnes, seconded by Council Member Nason, to appoint Council Member Barnes to prepare an argument in opposition to the ballot measure for Ranked Choice Voting.

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

NOES: Mayor Pilch

Motion carried and so ordered.

By acclamation, the Council extended the meeting to 12:20 a.m.

12. NEW BUSINESS

12-1. Encroachment Permit Fee Waivers for Outdoor Dining

Economic Development Committee recommendation: that the Council:

1. Support staff action to issue encroachment permits for use of the public right-of-way
2. Temporarily waive the fee for encroachment permits in parking spaces and provide barriers
3. Direct staff to report back informally to the Committee on progress at future meetings

Transportation Commission recommendation: that the Council:

1. Authorize encroachment permit fees be waived
2. Authorize staff to approve permits for the duration of the County Health restriction
3. Give staff flexibility on the number of spaces per parklet
4. Give staff flexibility on requirement to move equipment when not in use
5. Post reduced speed advisory signs
6. Monitor 85% speeds for possible regulatory speed signs when parklets are in place

Staff recommendation: that the Council adopt Resolution No. 2020-73, authorizing a fee waiver for outdoor dining encroachment permits during the Alameda County Public Health COVID-19 Shelter in Place Order

Planning Manager Anne Hersch presented the staff report. On-street dining areas were installed prematurely, and staff subsequently permitted them. The emphasis of the proposal is to find a way for businesses to operate during the shelter-in-place order. The County Health Order allowed outdoor dining beginning June 19, 2020. On June 1, 2020, the Council directed staff to work with the Economic Development Committee and the Transportation Commission to draft prototypes for outdoor seating. On June 4, the Economic Development Committee supported the issuance of encroachment permits and recommended the Council waive fees for encroachment permit applications. On June 25, the Transportation Commission also supported the issuance of encroachment permits for the duration of the County Health Order and recommended staff have the flexibility to determine the number of spaces per business and requirements for removal of outdoor seating when not in use, post advisory signs, and monitor vehicle speeds. Encroachment



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, July 6, 2020

permits are not subject to public hearings and requirements to notice adjacent property owners. Staff typically reviews and processes applications in 3-5 days and coordinates with Public Works staff regarding work in the right-of-way. Noteworthy conditions of approval are a prohibition of heat lamps and requirements for insurance, a hold harmless clause, and compliance with the Alameda County Health Order. Staff has issued 14 permits for outdoor seating. The County Health Inspector notified staff that he will inspect outdoor seating for compliance with the Health Order and distancing guidelines. The Council has received 28 emails, the majority of which support outdoor seating and waiving of the application fee. One email opposed outdoor dining due to concerns about the pandemic.

A summary of public comments is as follows: support for not setting an expiration date and staff's discretion in allowing the use of more than two parking spaces; outdoor seating is not safe; staff should provide guidance for compliance with the Americans with Disabilities Act (ADA); concern about outdoor seating displacing homeless people.

By acclamation, the Council extended the meeting to 12:45 a.m.

A summary of additional public comments is as follows: a concern about the City's liability for use of the public right-of-way; support for outdoor seating; the Council should rescind the resolution rather than tie its expiration to Health Orders; support for a speed limit of 20 miles per hour on Solano Avenue; the community needs to adapt to the changing situation and support the business community; the Transportation Commission's recommendations address safety issues; support for the recommendations of the Economic Development Committee and the Transportation Commission.

By acclamation, the Council extended the meeting to 1:00 a.m.

A summary of Council comments is as follows: a question of equity in that the City is subsidizing some businesses but not all; support for staff using their discretion when determining the number of spaces a business may use; the City should enforce requirements for reflective material on barriers and for 2 feet between the travel lane and equipment; staff should consult with risk management; staff needs to contact two businesses about removing the outdoor heaters; the conditions of approval have to be enforced; equipment should be removed from the street on street-sweeping days; staff should notify businesses of the street-sweeping schedule.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to adopt Resolution No. 2020-73, authorizing a fee waiver for outdoor dining encroachment permits during the Alameda County Public Health COVID-19 Shelter-in-Place Order; allowing staff flexibility regarding the number of parking spaces per business and removal of equipment when not in use; and to direct staff to attempt to reduce vehicle speeds on Solano Avenue without reducing the speed limit.

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

NOES: None

Motion carried and so ordered.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, July 6, 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. Social & Economic Justice Commission Meeting, Tuesday, July 7, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Parks, Recreation & Open Space Commission Meeting, Thursday, July 9, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Climate Action Committee Meeting, Wednesday, July 15, 7:30 PM, Virtual Meeting via phone/video conferencing
- D. City Council Meeting, Monday, July 20, 7:30 PM, City Hall Council Chambers or Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

12:58 a.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