



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, September 8, 2020

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**6:30 p.m.**

### **SPECIAL MEETING**

**1. CALL TO ORDER**

**2. CLOSED SESSION**

Opportunity for the public to speak on Closed Session items.

City Council convenes in the virtual public meeting and then adjourns to Closed Session to discuss the following:

**2-1. Conference with Legal Counsel – Anticipated Litigation**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) (1 case)

**2-2. Conference with Legal Counsel – Anticipated Litigation**

Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4) (1 case)

**3. ADJOURNMENT OF SPECIAL MEETING**

**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**

Vice Mayor McQuaid encouraged everyone to wear masks, social distance, have patience, and be kind and hoped Albany Fire personnel deployed to wildfires return home safely.

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

Mayor Pilch announced the Council gave direction to staff.

**5. CONSENT CALENDAR**

**5-1. Minutes**

A. July 20, 2020

B. August 5, 2020

C. August 24, 2020



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Staff recommendation: Approve

### 5-2. Ratification of Payroll

- A. Payroll Period: 7/17/20; Net Payroll: \$310,134.06; Taxes, Benefits, Withholdings: \$334,555.02; Total: \$644,689.08
- B. Payroll Period: 7/31/20 ; Net Payroll: \$303,934.00; Taxes, Benefits, Withholdings: \$258,047.42; Total: \$561,981.42
- C. Payroll Period: 8/14/20; Net Payroll: \$309,695.41; Taxes, Benefits, Withholdings: \$330,929.16; Total: \$640,624.57
- D. Payroll Period: 8/28/20; Net Payroll: \$308,530.37; Taxes, Benefits, Withholdings: \$326,992.33; Total: \$635,645.59

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: \$703,811.95 (7/17/20), \$66,137.29 (7/24/20), \$508,519.17 (7/31/20), \$88,970.54 (8/7/20), \$1,947,049.22 (8/14/20), \$592,623.78 (8/21/20), \$108,918.84 (8/28/20)

Staff recommendation: Ratify

### 5-4. Advisory Body Resignations

Climate Action Committee – Allison Marten resigned (Council-At-Large Appointment)  
Arts Committee – Andrew Kellogg resigned (Mayor Pilch Appointment)

Informational Only

### 5-5. Proclamation – National Suicide Prevention Awareness Month

Vice Mayor McQuaid recommendation: that the Council proclaim and recognize National Suicide Prevention Awareness Month

### 5-6. Proclamation – National Preparedness Month

Staff recommendation: that the Council proclaim and recognize National Preparedness Month

### 5-7. Albany Fire Department Inspection Compliance Report

Staff recommendation: that the Council adopt Resolution No. 2020-84, recognizing the Albany Fire Department's level of compliance with California Health and Safety Code Sections 13146.2 and 13146.3

### 5-8. Authorization to submit a grant application to the Alameda County Transportation Commission for a COVID-19 Rapid Response Bicycle & Pedestrian Projects Grant

Staff recommendation: that the Council adopt Resolution No. 2020-85:



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1. Authorizing staff to submit the Albany Priority Pedestrian Network Sidewalk Shaving Project to the Alameda County Transportation Commission for a FY20/21 COVID-19 Rapid Response Bicycle & Pedestrian Projects Grant; and
2. Authorizing the City Manager to execute a Funding Agreement with the Alameda County Transportation Commission upon grant award

**5-9.** Extension of the Exclusive Negotiating Agreement with Satellite Affordable Housing Associates

Staff recommendation: that the Council adopt Resolution No. 2020-88 authorizing the City Manager to execute one final six-(6) month extension of the Exclusive Negotiating Agreement (ENA) between the City of Albany and Satellite Affordable Housing Associates for the completion of the Disposition and Development Agreement (DDA)

**5-10.** PA 18-037 Portland Kains Townhomes (634 Kains Avenue, Northwest Corner of Portland & Kains Avenue) Affordable Unit Designation

Staff recommendation: information only; no action is required

**5-11.** Letters of Support for Assistance to Local Governments

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

**5-12.** Letter to Alameda County Behavioral Health Services to address Mental Health Services Provision in Albany

SEJC recommendation: that the Council send a letter requesting that Alameda County Behavioral Health Services addresses and rectifies changes to mental health services in Albany

Staff recommendation: that the Council direct staff to work with the Mayor on a letter to Alameda County Behavioral Health Services to request a meeting to address changes to mental health services in Albany

**5-13.** Ocean View Tennis Court Commercial Use Fee Waiver for Albany Fitness Gyms

Staff recommendation: that the Council adopt Resolution No. 2020-89, authorizing a waiver of the Ocean View Tennis Court Commercial Use fee for Albany fitness gyms only to conduct non-contact fitness classes during the Alameda County COVID-19 Public Health Order

**5-14.** CIP Project 22000 Annual Sidewalk Rehabilitation: Sidewalk Rehabilitation Phase 3 Award Contract No. C20-64

Staff recommendation: that the Council adopt Resolution 2020-87 authorizing the City Manager to award Contract C20-64 to Mercoza in the not-to-exceed amount of \$109,648



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- 5-15.** Award Contract #C20-77 to CSG Consultants for Annual Sewer Rehabilitation Program (CIP No. 32000) Engineering & Project Management Services

Staff recommendation: that the Council adopt Resolution No. 2020-86, authorizing the City Manager to award contract #C20-77 to CSG Consultants in the amount of \$234,000 for project management services for a term of one year using funds previously appropriated for the Annual Sewer Rehabilitation Program (CIP No. 32000) including the 2021 Sewer Rehab Project

- 5-16.** Letter of Opposition for AB 6

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

- 5-17.** Ratification of Police & Fire Pension Board Disbursements

From the Police & Fire Pension Board Quarterly Meeting on August 25, 2020 - Disbursement Reports: June, 2020 - \$104,997.29; July 2020 - \$107,571.33; August 2020 - \$107,571.33

Staff recommendation: Ratify

- 5-18.** Ratify Financial Advisory Committee Appointment

Judy Kerr was appointed to the Financial Advisory Committee by Mayor Pilch

Staff recommendation: Ratify

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid requested the removal of Items 5-7, 5-12, and 5-13. Council Member Nason requested the removal of Item 5-16. Mayor Pilch requested the removal of Items 5-8 and 5-3. A member of the public requested the removal of Item 5-14.

5-3: Finance Director Heather Rowden reported the payment to JPIA is the annual insurance premium.

5-7: Fire Chief Lance Calkins reported inspection records are maintained and violations are monitored until they are resolved. The report complies with the State's requirements. Inspections are not required for short-term rentals unless there are three or more units. City records indicate one short-term rental has three units, and it is inspected. Multifamily residential complexes containing three or more units are inspected annually.

5-8: Public Works Director Mark Hurley reported the grant application can be presented to the Transportation Commission as an informational item. The Kains/Adams project will be part of the upcoming Capital Improvement Program (CIP) discussion.



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5-12: Vice Mayor McQuaid proposed the Mayor work with staff to draft a letter to the County of Alameda with copies to and direct contact with Supervisor Carson, Assemblymember Wicks, and Senator Skinner.

5-13: Assistant City Manager Isabelle Leduc reported staff recommends a temporary waiver of the use fee for gyms to utilize the Ocean View tennis courts but does not recommend a change in the priority use of tennis courts. The Council may wish to waive use fees for gyms to use other City facilities should demand exceed capacity at the tennis courts.

5-14: Public Works Director Hurley reported the locations of sidewalk repairs will be posted on the City website at Public Works/sidewalk program in the next day or two. Sidewalks needing repair can be reported through the service request on the website.

5-16: Council Member Nason preferred to abstain on the vote for this item as she does not sufficiently understand the politics of AB 6.

A summary of public comments is as follows: all residences should be inspected annually (Item 5-7); the City is entitled to an explanation of the disbursement and use of mental health funds, and the loss of Berkeley mental health services is detrimental to residents (Item 5-12); the public needs to be aware of the potential end of mobile crisis services in Albany (Item 5-12); support for approaching Supervisor Carson first and obtaining mental health services from Berkeley (Item 5-12); a request for staff's reasons for not presenting the use of tennis courts to the Parks, Recreation and Open Space Commission (Item 5-13); concern that amenities around the tennis courts will need to be sanitized between uses (Item 5-13); concerns about gyms' use of the tennis courts increasing City costs, liability for the City, and repairs if gym members damage the courts (Item 5-13); opposition to pickleball players having to pay to use courts (Item 5-13); concern regarding the online reservation system (Item 5-13); suggestions for the Council to review the program in 90 or 120 days, limit gym use to half the courts initially, require written waivers from gym members, and require gyms to sanitize the areas after each use (Item 5-13); sidewalk repairs will improve residents' health and build community (Item 5-14);

City Manager Nicole Almaguer reported the business community requested the City waive the fee for gym use of the tennis courts. The Council may refer an analysis of the use of other park-like City facilities to the Parks, Recreation and Open Space Commission.

A summary of Council comments is as follows: a request for a report regarding emergency preparedness work in neighborhoods; a suggestion for the Mayor and Vice Mayor to meet with Supervisor Carson to discuss mental health services; support for allowing businesses to use City facilities temporarily; support for allowing gyms to utilize the courts for a time after gyms reopen because gym occupancy will be limited; concerns about subsidizing a private company's use of public facilities and restricting public access to public facilities; support for allowing gyms to use of other facilities; the Buchanan right-of-way could be used for many types of outdoor fitness; a suggestion to designate days for pickleball use and gym use of courts until a better solution can be determined; support for waiving the use fee for gyms, staff continuing to balance use of the courts, and the Parks, Recreation and Open Space Commission providing the Council with recommendations; Albany residents will have access to Berkeley's mobile crisis services until June 30, 2021.



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**MOTION:**

Moved by Council Member Nason, seconded by Council Member Maass, to approve the consent calendar with the exception of Item 5-16.

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 Item 5-16.

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

NOES: None

ABSTAINING: Council Member Nason

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 City needs to reopen the shower program; Good of the City should occur earlier in the agenda; speed limit signs should be posted on Solano Avenue; a request for an update regarding the Rent Review Program; the Albany Democratic Club will host a virtual candidate forum on September 17.

**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	6/01/2020
Alta Bates Hospital	Pilch & McQuaid	7/6/2020
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	2/18/2020

Council Member Nason reported the San Pablo Avenue Corridor Project Subcommittee met with Alameda County Transportation Commission (ACTC) staff and will provide an written update for the next Council meeting. Mayor Pilch and she have been working on signage for the Albany Hill cross and will have a report for the next Council meeting.

Mayor Pilch reported a meeting of the Alta Bates Task Force is scheduled for September 16, 2020.



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## 7-2. City Council Appointed Representation of Albany:

<b>Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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
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 a virtual meeting of the East Bay Sports Field Recreation Authority JPA and learned that revenues are down because of limited field usage under COVID-19 guidelines. The JPA intends to construct a field house, to which cities are expected to contribute funding. The next meeting is scheduled for December 2, 2020.

Vice Mayor McQuaid reported she attended the League of California Cities East Bay Division meeting and was elected to the Board of Directors for the East Bay Division.

Mayor Pilch reported he attended July meetings of StopWaste and ACTC, and he and Vice Mayor McQuaid have attended meetings of the policing working group. A vote on the Valley Link railroad may occur in the fall.

## 7-3. City Council Meetings and Events

None.

## 8. CITY MANAGER REPORT

City Manager Almaguer thanked the community for remaining positive during the pandemic. Staff continues to adapt to providing services through new methods and to deliver meals, groceries, and essential items. Residents may call 510-624-9122 to obtain services. Recruitments for Advisory Bodies are underway, and applications may be submitted online. The Police Department is promoting voluntary registration of security cameras. Fire personnel have been deployed to three wildfires.

The Council recessed at 9:23 p.m. and returned at 9:30 p.m.



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### 9. PRESENTATION

#### 9-1. Amending the Second Year of the City of Albany Biennial Operating Budget Covering Fiscal Years 2019-20 to 2020-21

Staff recommendation: that the Council receive a presentation on current budget projections and associated proposed adjustments for the fiscal year 2020-21 budget and provide direction on any next steps

City Manager Almaguer reported staff intends to update the Council regularly so that decisions can be made to ensure the continuity of essential services. Department directors have cut their budgets in an attempt to reduce the budget deficit. Staff anticipates scheduling another discussion after the November election in addition to the quarterly financial reports.

Finance Director Rowden presented the staff report and explained the budget documents and the calculation of salaries and benefits. Citywide expenses are composed of 71 percent salaries and benefits and 29 percent other expenses. Property tax and sales and use taxes are the primary sources of revenue. COVID has caused a \$1.3 million reduction in revenue; however, property tax revenue and transfers in have increased. Pension costs have increased expenses by \$2.4 million. Salaries and wages have decreased because of the Recreation Department restructuring and hiring freeze. Costs for professional services have also decreased. With more understanding of the effects of COVID, staff can adjust the budget. If the tax measures are approved, additional budget cuts may not be necessary. Staff needs to plan for increasing pension costs and capital replacements.

A summary of public comments is as follows: the hiring freeze should apply to the Police Department; the issue is not defunding the Police Department but eliminating racism; more accountability is needed; unnecessarily increasing the Police Department's budget reflects the Council's priority for addressing racial justice; appreciation for the transparency of the presentation; the personal relationship between the Human Resources Director and former Police Chief McQuiston should be publicly disclosed.

A summary of Council comments is as follows: appreciation for staff charging more allowable overhead expenses for Public Works to grants; the growing gap between the Police Department's expenses and budget needs to be understood; the Police Department's budget has not increased significantly year over year while salaries have fluctuated due to vacant positions; the number of authorized police officer positions has not changed over the last several years; revising the Police Department's budget at this time without data and a plan for possibly providing alternative services does not make sense; support for not altering the Police Department budget at the current time and for freezing Recreation Department positions.

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

A summary of additional Council comments is as follows: budget adjustments should wait until the election results for the tax measures are known; appreciation for the additional financial information provided in the staff report and presentation and a request for staff to use varied formats and to provide consistent information for each budget discussion; substandard pavement





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and lighting conditions are safety issues; long-term analyses and long-term financial planning are needed.

City Manager Almaguer reported there is no relationship between the Human Resources Director and former Police Chief McQuiston.

### 10. PUBLIC HEARING

### 11. UNFINISHED BUSINESS

### 12. NEW BUSINESS

### 13. FUTURE AGENDA ITEMS

None.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

**14-1.** Upcoming City Events – Please check the City website, [www.albanyca.org](http://www.albanyca.org), under City Calendar webpage for up-to-date information

**14-2.** Upcoming City Meetings

- A. Working Group to Develop Community Policing & Relations Task Force, Thursday, September 10, 4:00 PM, Virtual Meeting via phone/video conferencing
- B. Parks, Recreation & Open Space Commission Meeting, Thursday, September 10, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Arts Committee Meeting, Monday, September 14, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Library Board Meeting, Tuesday, September 15, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Climate Action Committee Meeting, September 16, 7:30 PM, Virtual Meeting via phone/video conferencing
- F. City Council Meeting, Monday, September 21, 7:30 PM, Virtual Meeting via phone/video conferencing

Council Member Nason announced Berkeley's project to clean the vacant lot at Codornices Creek will be complete in the next few months.



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### 15. ADJOURNMENT

10:55 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in black ink, appearing to read "Nick Pilch", written over a horizontal line.

Nick Pilch  
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Hsu", written over a horizontal line.

Anne Hsu, City Clerk