



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, October 5, 2020

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**7:30 p.m.**

### REGULAR MEETING

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Council Member Maass led the Pledge of Allegiance.

**2. ROLL CALL**

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

Absent: None

**3. CEREMONIAL MATTERS**

Mayor Pilch encouraged the public to follow public health guidelines, announced October is LGBTQ History Month, and reported Fire personnel have been deployed to the Glass Fire.

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

**5. CONSENT CALENDAR**

**5-1.** Minutes, September 21, 2020

Staff recommendation: Approve

**5-2.** Ratification of Payroll - Payroll Period: 9/25/20; Net Payroll: \$345,908.38; Taxes, Benefits, Withholdings: \$348,714.46; Total: \$694,622.84

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: \$240,566.22 (9/18/20), \$144,708.24 (9/25/20)

Staff recommendation: Ratify

**5-4.** Proclamation – Fire Prevention Week

Staff recommendation: that the Council adopt the Proclamation recognizing October 4-10, 2020 as Fire Prevention Week

**5-5.** Proclamation – Indigenous People’s Day

Vice Mayor McQuaid recommendation: that the Council adopt the Proclamation recognizing the second Monday of October as Indigenous Peoples’ Day

**5-6.** Resolution Calling for the Federal Government to Extend Temporary Protected Status (TPS)



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Mayor Pilch & Vice Mayor McQuaid recommendation: that the Council adopt Resolution No. 2020-100 calling on the Federal Government to extend Temporary Protected Status (TPS) for all Nations currently under the Program and to establish a pathway to permanent residency for current beneficiaries

**5-7.** Resolution In Support of Proposition 15

Mayor Pilch & Vice Mayor McQuaid recommendation: that the Council adopt Resolution No. 2020-97 in support of Proposition 15 – a constitutional amendment on the November 3, 2020 ballot

**5-8.** Resolution In Support of Proposition 16

Mayor Pilch & Vice Mayor McQuaid recommendation: that the Council adopt Resolution No. 2020-98 in support of Proposition 16 – a constitutional amendment on the November 3, 2020 ballot

**5-9.** Resolution In Support of Measure W

Vice Mayor McQuaid recommendation: that the Council adopt Resolution No. 2020-96 in support of Measure W on the November 3, 2020 ballot

**5-10.** Solid Waste Procurement Consulting Services – Authorization to Execute HF&H Consulting Contract No. C21-09 for \$89,020

Staff recommendation: that the Council adopt Resolution No. 2020-95 to authorize the City Manager to execute Contract No. C21-09 with HF&H Consulting, LLC in a not-to-exceed contract of \$89,020 for solid waste procurement assistance

**5-11.** Updated Salary Schedule for City of Albany Employees

Staff recommendation: that the Council adopt Resolution No. 2020-99 approving an updated Salary Schedule for City employees within the Service Employees' International Union in accordance with the ratified Memorandum of Understanding

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid removed Item 5-5, and Mayor Pilch removed Item 5-6.

Item 5-5: Vice Mayor McQuaid proposed the Council consider including holidays for Indigenous Peoples' Day and Juneteenth in the Equity Action Plan.

Item 5-6: Mayor Pilch reported a group has requested Council support for continuing Temporary Protected Status.

A summary of public comments is as follows: support for continuing temporary protected status so that families will not be separated (Item 5-6).



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**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: proposed changes to development standards in the San Pablo Avenue Corridor will require a General Plan amendment and will be bad for the community; the public may donate to Albany Unified School District for the purchase of anti-racism educational materials; a brief biography of Elain Obando-Videa de Pinguelo.

**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	9/21/2020
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	9/21/2020

None

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
City/AUSD/UC - 2X2X2	Pilch	McQuaid
Police & Fire Pension Fund Board	Pilch	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	Margaret Patterson	N/A



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Vice Mayor McQuaid reported she attended the League of California Cities' Public Safety Committee meeting in which she voted against a resolution amending Section 230 of the Communication Decency Act. She indicated she would oppose the resolution before the General Assembly as well. In addition, she attended a meeting of the Everyone Home Leadership Board and many webinars and participated in the conference call with staff and the business community.

Mayor Pilch reported he attended meetings of StopWaste, the Alameda County Transportation Commission (ACTC), East Bay Community Energy (EBCE), and EBCE's marketing, regulatory and legislative committee. ACTC voted to transfer \$400 million from the Bay Area Rapid Transit (BART) Livermore project to the Alameda County portion of Valley Link.

### 7-3. City Council Meetings and Events

None.

## 8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the shelter-in-place order has been updated to allow certain types of businesses and other institutions to reopen. More information is available at [albanyca.org/coronavirus](http://albanyca.org/coronavirus). On October 13, 2020, the Community Development Department will host a virtual workshop regarding outdoor dining in the roadway. Residents may register for emergency evacuation assistance on the City's website. Staff has added a social equity and inclusion page to the website. October is Crime Prevention Month, and the Police Department is sharing tips to improve security. Albany Local Week will be October 17-24. Staff has delivered 9,000 meals. Staff has not received an updated schedule for the Marin undergrounding project. Phase 3 of the sidewalk repair program began earlier in the day. The 2020 sanitary sewer rehabilitation project should be complete soon. Public Works staff has removed deteriorated newspaper kiosks throughout the City and continues to seal sidewalk cracks along San Pablo and Solano Avenues.

City Clerk Anne Hsu reported all registered voters will receive a vote-by-mail ballot, which will be mailed between October 5 and 27. Vote-by-mail ballots may be returned via mail, the 24-hour drop box outside City Hall, early voting events on October 13, 14, 27, and 28, or accessible voting locations. Residents may register to vote online at [registertovote.ca.gov](http://registertovote.ca.gov) or [acvote.org/voting/register-to-vote](http://acvote.org/voting/register-to-vote). The Registrar of Voters Office began mailing the Voter Information Guide last week.

Mayor Pilch added that ballots may be tracked through [wheresmyballot.sos.ca.gov](http://wheresmyballot.sos.ca.gov).

## 9. PRESENTATION

### 9-1. Introduction of Kurt Wiest, new Executive Director of the Alameda County Housing Authority

Vice Mayor McQuaid introduced Mr. Wiest. Due to technical difficulties, Mr. Wiest was not able to speak.



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### **9-2. East Bay Community Energy (EBCE) Presentation Regarding Changes to the 2021 Product Offerings**

Sustainability Coordinator Lizzie Carrade presented the staff report. The City of Albany joined EBCE in November 2016 and approved enrolling all accounts into the Brilliant 100 product in March 2018. The Climate Action and Adaptation Plan (CAAP) lists priority goals of achieving carbon neutrality by 2045, advancing active, shared, and electric transportation, electrifying new and existing buildings, advancing a carbon-free economy, and promoting resilience for all. The Climate Action Committee (CAC) recommends the following in order of priority: maintaining Brilliant 100 for all accounts if it remains 100 percent carbon-free at price parity to PG&E; enrolling all accounts in the nuclear option if it is available; and enrolling residential accounts in Renewable 100, commercial/industrial accounts in Bright Choice, municipal accounts in Renewable 100, and CARE/FERA/Medical Baseline accounts in Bright Choice.

Alex DiGiorgio, EBCE Public Engagement Manager, reported current service options are Bright Choice which has more renewables than PG&E, Brilliant 100 which is 100 percent clean energy, and Renewable 100 which is 100 percent renewable. Currently, the cost to provide Brilliant 100 is greater than the rate charged; therefore, the EBCE Board chose to close Brilliant 100 to new accounts and named Bright Choice as the default product. In November 2020, the Board will consider increasing the Brilliant 100 rate by 2-5 percent, eliminating Brilliant 100 and transitioning accounts to another product, or subsidizing Brilliant 100 and accepting a nuclear allocation to create a new product. For 2021, customers could maintain enrollment in Brilliant 100 with a rate increase; transition to Bright Choice; or enroll in a carbon-free product that includes nuclear power where allowed.

A summary of public comments is as follows: a majority of community choice programs have rejected PG&E's offer of nuclear energy, and nuclear energy is not clean energy; a decision regarding nuclear power will not affect the Diablo Canyon nuclear power plant; concern about nuclear waste.

A summary of Council comments is as follows: EBCE staff is attempting to develop a product that provides the value of Brilliant 100; some EBCE board members are receptive to nuclear power, some are not; cities do not have to enroll in a product that includes nuclear power; the CAC's recommendations make sense; EBCE customers should use the nuclear power because they are already paying for it and the environmental issues will exist whether or not customers consume the power; maintaining Brilliant 100 for a few years may be sufficient for energy storage problems to be resolved; support for the CAC recommendations; support for enrolling in Brilliant 100 with nuclear power.

### **10. PUBLIC HEARING**

### **11. UNFINISHED BUSINESS**

**11-1.** Urgency Ordinance Amending Urgency Ordinances 2020-03, -06, and -12 to allow the Residential Eviction Moratorium to Lapse and Extend the Temporary Moratorium on Evictions for Certain Commercial Tenants during the COVID-19 Pandemic



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Staff recommendation: that the Council adopt Urgency Ordinance No. 2020-13 entitled Urgency Ordinance of the City of Albany Amending Urgency Ordinance No. 2020-03, as amended by Urgency Ordinance Nos. 2020-06 and 2020-12, to Allow the Residential Eviction Moratorium to Lapse and to Extend the Temporary Moratorium on Evictions Due to Nonpayment of Rent and Rent Increases for Certain Commercial Tenants During the COVID-19 Pandemic and Setting Forth the Facts Constituting Such Urgency

City Attorney Mala Subramanian presented the staff report. At the Council's direction, staff has prepared an Urgency Ordinance extending the moratorium on eviction of commercial tenants. Governor Newsom has extended his Executive Order to March 31, 2021, and staff has drafted the Urgency Ordinance to align with the Executive Order. State law provides protections for residential tenants and does not allow the City to amend or extend its Urgency Ordinance for residential tenant protections. The Governor's Executive Order encourages lenders not to foreclose residential mortgages because of COVID-19 impacts.

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Nason, to adopt Urgency Ordinance No. 2020-13 entitled Urgency Ordinance of the City of Albany Amending Urgency Ordinance No. 2020-03, as amended by Urgency Ordinance Nos. 2020-06 and 2020-12, to Allow the Residential Eviction Moratorium to Lapse and to Extend the Temporary Moratorium on Evictions Due to Nonpayment of Rent and Rent Increases for Certain Commercial Tenants During the COVID-19 Pandemic and Setting Forth the Facts Constituting Such Urgency.

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

NOES: None

Motion carried and so ordered.

## **12. NEW BUSINESS**

### **12-1. Alameda County Mosquito Abatement District Appointment**

Staff recommendation: that the Council select a Council Member to serve as the appointee and to be the Trustee representing the City of Albany for the Alameda County Mosquito Abatement District

City Clerk Hsu presented the staff report. The City of Albany has been annexed into the Alameda County Mosquito Abatement District (District) and has a seat on the District Board. The Council usually appoints representatives and alternates to county and regional bodies in December. Because the Board will discuss long-term planning during its upcoming meeting, staff suggests the Council appoint a representative now so that the representative may participate in the Board discussion.

A summary of Council comments is as follows: City's representative does not have to be a Council Member; a member of the CAC (Climate Action Committee) could be a good representative for the City.



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### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, to appoint Vice Mayor McQuaid to serve as the City of Albany's Trustee to the Alameda County Mosquito Abatement District Board.

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

NOES: None

Motion carried and so ordered.

### **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. Social & Economic Justice Commission Meeting, Tuesday, October 6, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Parks, Recreation & Open Space Commission Meeting, Thursday, October 8, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Arts Committee Meeting, Monday, October 12, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Planning & Zoning Commission Meeting, Wednesday, October 14, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. City Council Meeting, Monday, October 19, 7:30 PM, Virtual Meeting via phone/video conferencing

### **15. ADJOURNMENT**

9:41 p.m. There being no further business before the City Council, Mayor Pilch adjourned the meeting in memory of Elain Obando-Videa de Pinguelo.

Minutes submitted by Anne Hsu, City Clerk.

  
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Nick Pilch  
Mayor

Attest:

  
\_\_\_\_\_  
Anne Hsu, City Clerk