



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, November 2, 2020

6:00 p.m.

SPECIAL MEETING

1. CALL TO ORDER

2. CLOSED SESSION

2-1. Executive Session Pursuant to Government Code Section 54957 to Discuss Public Employee Performance Evaluation:

Public Employee: Nicole Almaguer, City Manager

2-2. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6.

City Negotiator: Mayor Nick Pilch

Unrepresented Employee: City Manager Nicole Almaguer

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

3-1. Certificate of Recognition – Albany COVIDchella

Mayor Pilch presented the certificate to Albany COVIDchella represented by Eugenie Hsu.

3-2. Certificate of Recognition – Albany Inside-Out

Mayor Pilch presented the certificate to Albany Inside-Out represented by Amy Smolens and Vonnie Davidson.

Mayor Pilch encouraged the community to continue following COVID-19 protocols and to vote.

Vice Mayor McQuaid recognized Council Member Nason for cleaning Albany Waterfront Park.



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

Mayor Pilch announced the Council took no reportable action.

5. CONSENT CALENDAR

5-1. Minutes, October 19, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll – Date Paid: 10/23/2020, Net Amount: 335,315.16, Withholding, Deductions: \$343,395.04, Gross Payroll: \$678,711.10

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: \$58,379.73 (10/16/20), \$183,846.01 (10/23/20)

Staff recommendation: Ratify

5-4. CIP No. 21000 – Pavement and Curb Rehabilitation Project: Award of Contract No. C21-10 for Engineering Design Services

Staff recommendation: that the Council adopt Resolution No. 2020-105, authorizing the City Manager to execute Contract No. C21-10 with CSG Consulting in the not-to-exceed amount of \$499,980 for a two-year contract for pavement and curb rehabilitation design services, using previously appropriated funds for the Annual Street Rehabilitation Program (CIP No. 21000)

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. No one removed an item.

MOTION:

Moved by Vice Mayor McQuaid, seconded by Council Member Maass, 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: perhaps staff could place more notices of Council meetings on Solano to increase community participation; hotlines are available to assist the public with voting and transgender issues.

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



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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	9/8/2020
Youth Engagement	McQuaid & Maass	9/21/2020

Council Member Nason reported the Albany Waterfront Park subcommittee met with staff about the status of maintenance and repair needs.

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

7-3. City Council Meetings and Events

Vice Mayor McQuaid reported she attended the League of California Cities regional meeting, United Against Hate meetings, and the Smart Cities conference; participated in the business community conference calls; and hosted the Community Leaders meeting.

Mayor Pilch reported he attended meetings of the East Bay Community Energy (EBCE) Board, which discussed continuation of the moratorium on canceling service, re-forming the community advisory committee, and the Aramis Renewable Energy Project; StopWaste; and Alameda County Transportation Commission (ACTC), which discussed a potential eminent domain action.

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported voting centers are located at the Veterans Memorial Building and University Village. The Fire Department's newest firefighter/paramedic began work



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earlier in the day. Candidates are undergoing background checks for another firefighter/paramedic position. The Fire Department's call volume has returned to pre-COVID-19 levels. Fire personnel celebrated Fire Prevention Week virtually. Parking enforcement will resume so that streets can be swept. Arielle Tsana and Daniel Prostack were the winners of Albany Local Week. The Recreation and Community Services Department continues to deliver groceries and meals and is now providing shopping trips. Staff has delivered more than 10,000 meals and 500 bags of groceries.

9. PRESENTATION

9-1. Capital Improvement Plan for Fiscal Years 2019/20 – 2023/24

Staff recommendation: that the Council receive the presentation regarding the updated draft FY 2019/20 – FY 2023/24 Capital Improvement Plan (CIP) and provide direction to staff regarding the proposed plan

Public Works Director Mark Hurley presented the staff report. The CIP is a tool to focus work on core business functions and Council priorities. Core business functions are street rehabilitation, sewer and storm drain, and sidewalk repair programs. Sewer work is caught up and complies with Consent Decree requirements. Staff has established a process and structure to comply with the requirements over the long term. Phase III of the sidewalk rehabilitation program is complete, and the Transportation Commission will review Phase IV later in the month. Street rehabilitation projects for Washington Avenue and Adams will begin in the next month. Spending is level across the five-year CIP so that staff can consistently execute projects. Design and construction projects ready for execution are listed in the first two years of the CIP. Projects that are not ready for execution are reflected in the CIP narrative. The CIP is structured to execute projects but is flexible to adapt to changing priorities and opportunities. While the backlog of projects has been reduced, a number of key projects remain to be implemented. The Council approved the addition of a Capital Project Manager and a Management Analyst in Public Works, and the two positions are vital to managing the CIP.

Capital Project Manager Robert Gonzales reported projects are categorized as buildings and facilities; parks, trails, and creeks; streets, bikeways, and pedestrian improvements; and sewer and storm drain. The CIP establishes a budget, schedule and funding for each capital project, a priority for projects, and a funding strategy.

Public Works Management Analyst Devora Zauderer reported staff balances available funding, appropriate use of funding, and project needs. The analysis of projects and funding ensures core programs are supported each year, resources are used efficiently and effectively, and staff and the Council have a clear and deliberate decision-making process.

Capital Project Manager Gonzales advised that funding for a few CIP projects has been changed from the General Fund to Measure BB funds. The project listed as major equipment is not a project, and funding for major equipment has been reallocated to the Equipment Reserve Fund. In the proposed CIP, 52 percent of funding supports sewer and storm drain projects, and 41 percent supports streets, bikeways, and pedestrian improvements. Staff plans to utilize Measure R funding for Phase IV of the Codornices Creek project, an analysis of playfields at Peggy



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Thomson Park, and path lighting for Memorial Park. A bocce court will be incorporated into the Parks Master Plan. Staff proposes to fund street rehabilitation at \$1.9 million per year in order to achieve a Pavement Condition Index (PCI) score of 75 over ten years. Funding for sewer rehabilitation will continue at \$4 million per year. The sewer rehabilitation project for Brighton Avenue could cost \$6-\$8 million and could occur in five to six years. The Civic Center HVAC project will be funded through the Building Reserve Fund, while the Community Center upgrade project may be funded through the Building Reserve Fund over time. Phase I of San Pablo pedestrian Improvements, Phase IV of the Codornices Creek project, and Citywide traffic calming measures are top priorities. The Kains/Adams Bike Boulevard pilot project and Solano Avenue Complete Streets short-term striping improvements are lower priority projects. Traffic calming measures in North Albany will be planned in conjunction with the Brighton Avenue sewer rehabilitation project.

A summary of public comments is as follows: questions about project cost estimates including a living wage and staff capacity to implement sidewalk repair projects; a suggestion to limit or prohibit the use of electric-powered mobility devices on the Ohlone Greenway; a question about the reduced scope of improvements on San Pablo Avenue.

Public Works Director Hurley indicated all City contracts require contractors to pay a living wage or a prevailing wage. In most cases, the prevailing wage exceeds the living wage. Staff management of sidewalk repairs is quite intensive. Sidewalk repairs have been phased to avoid overwhelming staff, to ensure improvements are thorough, and to allow staff to evaluate a contractor's performance.

Capital Project Manager Gonzales reported the CIP uses fiscal years. The Council appropriated funding for the first two years of the CIP. Therefore, the staff report contains information for fiscal year 2019-2020. The San Pablo Avenue improvements have been separated into phases to align with funding. Citywide traffic calming measures do not list each location.

A summary of Council comments is as follows: a suggestion to include a metric for bicycle traffic for the Kains/Adams pilot project.

This item will return at a future meeting for approval and adoption of the CIP.

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

11-1. Letter to East Bay Community Energy (EBCE) Board of Directors Regarding Power Content Options for a 100% Carbon-Free Product

Staff recommendation: that the Council approve sending a letter to the EBCE Board of Directors expressing Albany's interest in a 100% carbon-free electricity product, which would include nuclear power

Sustainability Coordinator Elizabeth Carrade presented the staff report. The letter is intended to inform the EBCE Board of Directors of the City's interest in potentially enrolling some or all Albany



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accounts into an energy product that includes nuclear power. The letter does not commit the City of Albany to choosing a default product that includes nuclear power. The Cities of Hayward and Pleasanton have submitted such letters, and other cities are discussing the same. If the Council approves sending the letter, the EBCE Board will consider the letter on November 18, 2020, when the Board is expected to vote on allowing cities to have a nuclear option.

A summary of public comments is as follows: East Bay Clean Power Alliance and Sierra Club opposed sending a letter that includes the use of nuclear power; East Bay Clean Power Alliance has proposed alternatives to the use of nuclear power to EBCE; opposition to nuclear power.

A summary of Council comments is as follows: Diablo Canyon will generate power whether or not the City uses it; support for accepting nuclear power if it benefits EBCE; the letter indicates the City's interest in nuclear power; support for sending the letter; a suggestion to change the letter to indicate all Council Members' support; long-term use of energy from a large hydroelectric source is more troubling than accepting energy from a nuclear plant that will be decommissioned in five years.

MOTION:

Moved by Council Member Maass, seconded by Council Member Nason, to send the letter to the East Bay Community Energy Board of Directors with a revision to indicate Council Members' support.

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

NOES: None

Motion carried and so ordered.

11-2. Continued Discussion Regarding Establishment of a Community Task Force on Policing

Staff recommendation: that the Council:

1. Receive a status update regarding recent policy changes and related actions by the Albany Police Department; and
2. Continue discussion regarding establishment of a Community Task Force on Policing and provide direction to staff on next steps

City Manager Almaguer presented the staff report. The Working Group developed the proposed framework for a Community Task Force on Policing. The City Attorney's Office has reviewed the proposed framework as the Council requested in September.

Police Chief John Geissberger reported the Police Department has added an extensive Frequently Asked Questions (FAQ) page to its website, provided responses to Social & Economic Justice Commission (SEJC) questions on the City's social equity and inclusion webpage; and modified policies and practices. The Use of Force Policy has been revised to eliminate use of a carotid control hold and to include a section regarding fair and unbiased use of force, a requirement for all personnel to intercede and report excessive force, language about the proportional use of force, a section for alternative tactics and de-escalation, and an expectation for officers to activate body-worn cameras. Staff has begun modifying policy language to be gender neutral. The Police Department is required to begin collecting stop data in compliance with the Racial and Identity Profiling Act (RIPA) on January 1, 2022, but a target date of January



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1, 2021 has been set for the Police Department. Software has been installed, and staff training will occur over the coming months. The public will need education regarding use and interpretation of stop data. Officers have received or will receive training regarding de-escalation, the new Use of Force Policy, the duty to intercede, the use of force related to amended language for deadly force laws, racial profiling, and the history of policing, racism, and bias. Next steps include working with the Community Task Force on Policing, meeting with the School Superintendent and Board of Education to discuss youth engagement, an analysis of potential areas of change and improvement by the Center for Policing Equity, and formation of a Community Police Academy.

By acclamation, the Council extended the meeting to 11:15 p.m.

A summary of public comments is as follows: a request for discussion of people using police officers as weapons; training on the behaviors of mentally ill people is a waste of money; police officer privacy is not a reason to turn off a body-worn camera; the Council should not revise the framework; support for the Council to move forward with the framework and Task Force.

Police Chief Geissberger advised that personnel attempt to ensure calls for service are legitimate before dispatching an officer. Officers are not always dispatched to calls for service.

A summary of Council comments is as follows: training on typical behaviors caused by psychiatric illnesses could benefit the Police Department; women need to be added to Composition; who will reach out to sectors not represented on the Task Force, self identity description, Number 19, and Number 22 need clarification; diversity indicators should have a "decline to state" option; emigrant and religion/spiritual beliefs should be deleted; social-economic status should be removed or self-identified; support for proceeding with the Task Force; support for adopting the interest survey as presented; members of the Working Group should review applications for the Task Force and submit their selections for Council ratification; perhaps the number of Task Force members should be 12; the Council should select Task Force members; support for 12 members; support for a Council subcommittee and two SEJC members to review applications and recommend members to the Council.

The Council determined the Task Force will be composed of 14 members including the Mayor, a member of SEJC, and 12 community representatives. A Council subcommittee and two SEJC Members will review Task Force applications and recommend applicants to the Council for ratification.

The resolution for establishing the Task Force, determination of an introductory invitation letter to the community, and the selection of Council subcommittee will returned to Council at a future meeting.

12. NEW BUSINESS

13. FUTURE AGENDA ITEMS

Council Member Nason requested information regarding parking at Waterfront Park.



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14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events – Please check the City website, www.albanyca.org, under City Calendar webpage for up-to-date information

A. Election Day, Tuesday, November 3, please check www.albanyca.org/vote for more information

14-2. Upcoming City Meetings

A. Social & Economic Justice Commission Meeting, Wednesday, November 4, 7:30 PM, Virtual Meeting via phone/video conferencing

B. Economic Development Committee Meeting, Thursday, November 5, 5:00 PM, Virtual Meeting via phone/video conferencing

C. Arts Committee Meeting, Monday, November 9, 7:00 PM, Virtual Meeting via phone/video conferencing


D. Parks, Recreation & Open Space Commission Meeting, Thursday, November 12, 7:00 PM, Virtual Meeting via phone/video conferencing

E. City Council Meeting, Monday, November 16, 7:30 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

11:19 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