



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, December 7, 2020

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**7:30 p.m.**

### REGULAR MEETING

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

Council Member Nason 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 residents to comply with the Regional Stay at Home Order, which has been posted to the City website, and to support local restaurants. Information about Senator Skinner's town hall is available on her website.

Vice Mayor McQuaid noted the devastating effects of the bombing of Pearl Harbor and asked residents to contact their federal representatives about supporting a relief bill.

**3-1. Proclamation – Diverse Housing Working Group**

Mayor Pilch presented the proclamation to Jim Acock.

A summary of public comments is as follows: appreciation for the group's work; support for continued efforts to help the homeless.

**3-2. Resolution in Appreciation of City Treasurer Kim Denton**

Vice Mayor McQuaid presented the resolution to Ms. Denton.

**3-3. Resolution in Appreciation of City Council Member Michael Barnes**

Council Member Nason presented the resolution to Council Member Barnes.

**3-4. Resolution in Appreciation of City Council Member Peter Maass**

Mayor Pilch presented the resolution to Council Member Maass.

**3-5. Resolution in Appreciation of City Council Mayor Nick Pilch**

Vice Mayor McQuaid presented the resolution to Mayor Pilch.

A summary of public comments is as follows: thanks to the Council Members and Ms. Denton for their service and accomplishments.

A summary of Council comments is as follows: appreciation for Ms. Denton's 32 years of service to the City and the community; thanks to Council Members Barnes and Maass and Mayor Pilch for working to improve the community.

City Manager Nicole Almaguer recognized Ms. Denton for her service, ethics, and integrity and thanked Council Members Barnes and Maass and Mayor Pilch for their service and support.



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

### 5. CONSENT CALENDAR

#### 5-1. Minutes, November 16, 2020

Staff recommendation: Approve

#### 5-2. Ratification of Payroll – Date Paid: Date Paid: 11/20/20, Net Amount: \$313,145.99, Withholding, Deductions: \$323,836.52, Gross Payroll: \$636,982.51

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: \$141,564.62 (11/13/20), \$803,627.90 (11/20/20), \$84,991.77 (11/26/20)

Staff recommendation: Ratify

#### 5-4. Seamless Bay Area Principles

Mayor Pilch recommendation: that the Council adopt Resolution No. 2020-120 in support of Seamless Transit Principles in order to pursue and integrated reliable regional transit system connecting the Bay Area

#### 5-5. Support Vehicle Purchase

Staff recommendation: that the Council adopt Resolution No. 2020-117, approving the purchase of a 2016 Ford Fusion Hybrid vehicle utilizing Citizens Option for Public Safety (COPS) funds, at a price not to exceed \$6,200

#### 5-6. Code Amendments to Albany Municipal Code Section 2-28.1 Claims for Money or Damage

Staff recommendation: that the Council adopt Ordinance No. 2020-14, amending Albany Municipal Code Section 2-28.1 Claims for Money or Damage – Second Reading – Pass to Print

#### 5-7. CIP No. 21000: Contract No. C18-32 – Amendment #2 Washington Avenue Paving Rehabilitation Project

Staff recommendation: that the Council adopt Resolution No. 2020-121, authorizing the City Manager to execute Amendment #2 to Contract No. C18-32 with NCE in the not-to-exceed amount of \$96,588 using previously appropriated funds for the Annual Street Rehabilitation Program (CIP No. 21000).



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**5-8.** Authorizing Resolution to the California Department of Parks and Recreation Office of Grants and Local Services for Proposition 68 Per Capita Program Grant Funding

Staff recommendation: that the Council adopt Resolution No. 2020-118 authorizing the filing of applications with the California Department of Parks and Recreation Office of Grants and Local Services (OGALS) to receive funding from the Proposition 68 Per Capita Grant program

**5-9.** Request for Proposals for Parks, Recreation and Open Space Master Plan Update

Staff recommendation: that the Council the Council authorize the release of a Request for Proposals for the update to the Parks, Recreation and Open Space Master Plan

Mayor Pilch asked if anyone wishes to remove an item from the consent calendar. Vice Mayor McQuaid removed Item 5-9. A member of the public removed Items 5-4 and 5-5.

Item 5-9: Vice Mayor McQuaid suggested the master plan update emphasize equity.

A summary of public comments is as follows: support for a discount for students riding public transportation (Item 5-4); a suggestion to continue the item in order to obtain more information and public input (Item 5-5); the master plan update should oppose the use of hostile architecture (Item 5-9); a suggestion to build a community garden at the Bulb (Item 5-9); appreciation for the difficulties of maintaining and improving Albany Waterfront Park (Item 5-9).

A summary of Council comments is as follows: discounted fares are consistent with Seamless Bay Area Principles; the Ford Fusion is a well engineered vehicle; a five-year old car is still functional; hopes that the master plan update will consider all open space regardless of the property owner; maintenance costs should be considered in the master plan update; issues pertaining to maintenance and care of Albany Waterfront Park need careful consideration.

**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: a request for the City to allow shower trucks to offer free showers on City property; a suggestion for the City to purchase a portable shower; comments regarding the November election; requests to discuss the Pledge of Allegiance, revise pronouns in the benefits booklet, to elect the next Mayor from the new Council Members, and to explore using recycled tires for sidewalks; disappointment with a Council Member accusing another Council Member of wrongdoing.



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## 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	11/02/2020
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

Vice Mayor McQuaid reported the Alta Bates Regional Task Force met and learned about the meeting of Berkeley's Mayor and Vice Mayor with the Chief Executive Officer of Alta Bates Summit. The 2020-21 work plan focuses on increasing visibility of issues, building coalitions, and emphasizing healthcare as an equity issue. The next meeting is January 20, 2021. The Youth Engagement subcommittee will continue working with Youth in Government regarding a local government module.

### 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

Vice Mayor McQuaid reported she attended meetings of the Alameda County Transportation Commission (ACTC), the Police & Fire Pension Fund Board, Everyone Home, Housing Authority of Alameda County, and the Your Time to Shine event, which highlights the successes of participants in the Housing Authority's self-sufficiency program. Everyone Home is planning a retreat to prepare its strategic plan.

Mayor Pilch reported he attended meetings of the East Bay Community Energy (EBCE) Board, which voted to maintain the Brilliant 100 product through 2021 and discussed a solar project in



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Livermore, the Alameda County Mayors' Conference, the Alameda County Waste Management Authority Board, and ACTC, which agreed to fund the Quarry Lakes Parkway project.

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

Vice Mayor McQuaid reported she attended the weekly call with businesses and the United Against Hate event and completed viewing the National League of Cities Summit.

## 8. CITY MANAGER REPORT

City Manager Almaguer reported City play structures and park restrooms are closed in compliance with the new Shelter in Place Order. A special meeting of the Council is scheduled for December 14, 2020 at 7:30 p.m. Staff will participate in the second of three sessions regarding racial equity and inclusivity. The deadline to apply for Advisory Bodies is December 14, 2020. The deadline to submit applications for the Community Task Force on Policing is January 7, 2021. The San Pablo Avenue Specific Plan virtual open house is available for review and comments at [sanpablospecificplan.org](http://sanpablospecificplan.org) until December 31, 2020. A sidewalk survey is underway to identify defects, and the final survey is expected to be completed in February 2021. During the week of December 10, 2020, the City will issue notices to proceed on the Adams and Washington Avenues paving projects. East Bay Municipal Utility District (MUD) will work on the water pipeline located at Posen and Ventura Wednesday night. The Albany Fire Department helped coordinate a flu vaccination clinic on November 30, 2020. Echo Housing will present a workshop on the Albany Rent Review Program on January 21, 2021. The Albany Meals on Wheels program will distribute care packages with meals on December 11, 2020. Albany CARES has distributed approximately 12,000 meals.

## 9. PRESENTATION

## 10. PUBLIC HEARING

## 11. UNFINISHED BUSINESS

## 12. NEW BUSINESS

### 12-1. City Council Temporary Appointment to Alameda County Waste Management Authority

Staff recommendation: that the Council appoint a Council Member to serve as the temporary representative at the next Alameda County Waste Management Authority Board meeting

Council Member Nason volunteered to serve as the temporary representative to the Alameda County Waste Management Authority.

### **MOTION:**

Moved by Vice Mayor McQuaid, seconded by Council Member Barnes, to appoint Council Member Nason to serve as the City's temporary representative at the next Alameda County Waste Management Authority Board meeting.



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

NOES: None

Motion carried and so ordered.

### **12-2.** Amendment No. 2 to the Employment Agreement for City Manager Services

Staff recommendation: that the Council adopt Resolution No. 2020-119, approving Amendment No. 2 to the Employment Agreement for City Manager Services

A summary of public comments is as follows: a question about the City Manager's work hours and a request to comment on the City Manager's performance at the time of Council review; questions about the City Manager's administrative leave and vehicle allowance and a request to continue the item to the incoming City Council; appreciation for the City Manager's prompt responses to emails.

Mayor Pilch reported the City Manager's salary is available on the website and is less than salaries paid to City Managers in the area; the City Manager works evenings and weekends; the current Council conducted the City Manager's review and should approve the agreement; and the contract does not pertain to future City Managers.

City Attorney Mala Subramaniam advised that the City Manager's administrative leave may be cashed out if not utilized.

A summary of Council comments is as follows: the current Council agreed to the terms of the contract and should approve it; the phrase "staff recommendation" indicates the City Manager has reviewed and endorses staff's recommendations; the City Manager's salary is appropriate for the City Manager's responsibilities and the number of hours worked.

#### **MOTION:**

Moved by Council Member Maass, seconded by Council Member Nason, to adopt Resolution No. 2020-119, approving Amendment No. 2 to the Employment Agreement for City Manager services.

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

NOES: None

Motion carried and so ordered.

### **13. FUTURE AGENDA ITEMS**

A summary of public comments is as follows: the Brown Act allows public comment on any and all agenda items; a request for an agenda item regarding a public shower; a suggestion for public comment at the beginning and end of meetings.

Council Member Maass suggested a discussion of reducing the time allowed for public comment.

### **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



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### 14-2. Upcoming City Meetings

- A. Planning & Zoning Commission Meeting, Wednesday, December 9, 7:00 PM, Virtual Meeting via phone/video conferencing
- B. City Council Special Meeting, Monday, December 14, 7:30 PM, Virtual Meeting via phone/video conferencing
- C. Climate Action Committee Meeting, Wednesday, December 16, 7:30 PM, Virtual Meeting via phone/video conferencing
- D. City Council Meeting, Monday, December 21, 7:30 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

9:52 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 blue ink, appearing to read "Ge'Neil Gary".

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Ge'Neil Gary, Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Hsu".

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Anne Hsu, City Clerk