



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, January 4, 2021

6:00 p.m.

SPECIAL MEETING

1. **CALL TO ORDER / ROLL CALL**
2. **CLOSED SESSION**
 - 2-1. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(2) (2 cases)
3. **ADJOURNMENT OF CLOSED SESSION**

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 McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary
Absent: None
3. **CEREMONIAL MATTERS**
4. **REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
City Attorney Mala Subramanian announced the Council gave direction to staff.
5. **CONSENT CALENDAR**
 - 5-1. Minutes, October 14, 2020 and December 21, 2020

Staff recommendation: Approve
 - 5-2. Ratification of Payroll – Date Paid: 12/18/20, Net Amount: \$317,666.79, Withholding, Deductions: \$321,543.15, Gross Payroll: \$639,209.94

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: \$290,273.18 (12/24/20)

Staff recommendation: Ratify



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5-4. 2021-2022 Advisory Body Appointments

Arts Committee – Sheryl Black (McQuaid), Sarah Samonsky (Tiedemann)
Climate Action Committee – Kate Breeding (Nason), Maria Wilson (McQuaid), Graham Woolley (Tiedemann), Nick Peterson (Jordan)
Community Media Access Committee – Jack Kenney (Nason), Julie Winkelstein (Gary), Sandrine Demathieu (Tiedemann), Naomi Sigal (McQuaid)
Economic Development Committee – Michael Petrilli (Gary), Linda Carlton (McQuaid), Deirdre Greene (Tiedemann)
Financial Advisory Committee – Mark Priven (McQuaid)
Library Board – Elizabeth Hoffman (McQuaid)
Parks, Recreation & Open Space Commission – Tod Abbott (McQuaid), Bryan Marten (Nason), Brian Beall (Gary)
Social & Economic Justice Commission – Bart Grossman (Nason), William Beynon (McQuaid), Cory Dostie (Tiedemann), James Lindsay (Jordan)
Transportation Commission – Farid Javandel (McQuaid), Ben Fong (Gary), Robert del Rosario (Nason), Ken McCroskey (Jordan), Sarah Graham (Tiedemann)

Staff recommendation: Information Only

5-5. Ratification of 2021-2022 Advisory Body Recommended Appointments

Planning & Zoning Commission – Elizabeth Watty (Nason), Mohammad Momin (McQuaid), Nick Pilch (Tiedemann), Ian MacLeod (Jordan)
Social & Economic Justice Commission – Council at Large – Sierra Kenoly
Climate Action Committee – Council at Large – Daniel Chen
Economic Development Committee – Jennifer Hansen-Romer (Solano Avenue Association)

Staff recommendation: Ratify

Mayor Gary asked if anyone wishes to remove an item from the consent calendar. Vice Mayor Jordan removed Item 5-1. A member of the public removed Items 5-2, 5-3, 5-4, and 5-5.

Item 5-1: Vice Mayor Jordan requested the December 21, 2020 draft minutes reflect the Council transitioned from an Alta Bates Hospital subcommittee to appointing representatives to the Task Force on Alta Bates Hospital.

Item 5-2: City Manager Nicole Almaguer advised that the payroll amount is the amount paid to all City staff.

Item 5-3: Mayor Gary indicated a list of claims, bills, and demands is available via the link in the online meeting agenda.

Item 5-4: Mayor Gary clarified that the fifth appointment to the Social & Economic Justice Commission (SEJC) was made on December 21, 2020.



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Item 5-5: City Manager Almaguer reported the Council received applications for the Council's at-large seats on the SEJC and selected Sierra Kenoly.

A summary of public comments is as follows: a request for the December 21, 2020 draft minutes to indicate Jeremiah Pinguelo provided free showers for the community (Item 5-1); Mr. Beall appreciated his appointment to the Parks, Recreation & Open Space Commission (Item 5-4).

A summary of Council comments is as follows: support for the additional amendment to the draft minutes.

MOTION:

Moved by Council Member Nason, seconded by Vice Mayor Jordan, to approve the consent calendar with the amendments to the December 21, 2020 draft minutes.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comments is as follows: CIP Manager Robert Gonzales is leaving the City's employment; suggestions to hold Coffee with Cops virtually, pay Council Members one hour per day at minimum wage, and hire an additional firefighter; the Council should ask the County of Alameda to allow outdoor dining and personal services as soon as possible; a suggestion to celebrate Loving Day; an explanation of at-large Council appointments; adult dependents will not receive federal stimulus checks.

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	11/2/2020
San Pablo Avenue Corridor Project	Nason & Jordan	9/8/2020

None

7-2. City Council Appointed Representation of Albany:

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Gary	Jordan
Alameda County Transportation Commission	Nason	Jordan
Alameda County Waste Management Authority	Jordan	Nason
Association of Bay Area Government	Tiedemann	Gary



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East Bay Community Energy JPA Board	Tiedemann	Jordan
East Bay Sports Field Recreational Authority JPA	Nason	Gary
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Tiedemann
Alameda County Mosquito Abatement District	Jordan	Tiedemann
Alta Bates Hospital Task Force	McQuaid	Nason
Alameda County Library Advisory Commission	Amy Apel	Sarah Levin
City/AUSD/UC - 2X2X2	Gary	Jordan
Police & Fire Pension Fund Board	Gary	
Alameda County Paratransit Advisory & Planning Committee (PAPCO)		N/A

None

7-3. City Council Meetings and Events

Council Member McQuaid reported she attended a Kwanzaa celebration sponsored by the Black parent advisory group.

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the public can register for e-notifications and contact staff via the City website. Information regarding the San Pablo Avenue Specific Plan is available at sanpablospecificplan.org. The Fire Department's Toys for Tots campaign was successful, and many of the toys were distributed to Albany families. Paving projects on Adams Street and Washington Avenue will begin soon. Public Works staff is ensuring storm drains are clear for the rainy season. Sandbags are available at fire houses, and sand is located at Ocean View Park. During January, residents may leave their live Christmas trees at the curb for Waste Management to collect. Parks are closed for seasonal maintenance. ECHO Housing will host a virtual training regarding the Rent Review Program on January 21, 2021.

Council Member Nason reported Public Works staff has filled potholes at Waterfront Park and reopened parking along Buchanan.

In response to questions from Council Member Nason, City Manager Almaguer advised that audit reports to the Alameda County Transportation Commission (ACTC) were submitted promptly. Staff anticipates providing the City's Comprehensive Annual Financial Report (CAFR) to the Council in January, perhaps as early as the end of the week. Staff continues to work with the auditors to complete all components of the document.

A summary of public comments is as follows: an inquiry as to which of the appointments to represent the City are paid; a suggestion for the Financial Advisory Committee to review the CAFR prior to Council review of the document; after registering for e-notifications on several topics, a member of the public is not receiving information about all the topics selected.



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City Clerk Anne Hsu indicated representatives to the Alameda County Mosquito Abatement District, ACTC, Alameda County Waste Management Authority, East Bay Community Energy JPA Board, the Housing Authority of the County of Alameda, and the Alameda County Paratransit Advisory & Planning Committee receive a stipend.

Mayor Gary shared her experiences with distributing toys from the Toys for Tots campaign.

9. PRESENTATION

10. PUBLIC HEARING

11. UNFINISHED BUSINESS

12. NEW BUSINESS

12-1. Review of Advisory Bodies to the City Council

Staff recommendation: that the Council (1) conduct a review of the advisory bodies to the City Council and provide direction to staff regarding any changes and (2) adopt Resolution No. 2020-01, Amending the Arts Committee At-Large Appointment

City Manager Almaguer presented the staff report. At a prior meeting, a council member raised the possibility of appointing a nonresident to the at-large seat on the Arts Committee. The Council may wish to discuss the relevancy of existing advisory bodies, changes to the advisory bodies, sunseting advisory bodies, the process for at-large and Board of Education appointments, a date at which an appointment to a vacant advisory body seat is postponed to the next two-year term, the process for submitting and approving advisory body workplans, and the existing policy for advisory body workplans.

A summary of public comments is as follows: the Council dissolved the homeless task force as a way to avoid creating policies for homelessness; a suggestion for the Community Media Access Committee (CMAC) or a new committee to be responsible for community outreach regarding City events and meetings.

A summary of Council comments is as follows: the CMAC does not have a workplan for 2020-2021; suggestions to include community outreach in the CMAC workplan or to dissolve the CMAC; support for including community outreach in the CMAC workplan; a suggestion to dissolve the Charter Review Committee and form an ad hoc task force; concern about dissolving the Charter Review Committee as it did not complete all the items on its workplan; a preference not to appoint members to the Charter Review Committee until the Council has determined topics for it to pursue; a suggestion to agendaize a discussion of topics for the Charter Review Committee; there is no rush to discuss topics as the next election is in 2022; waiting until 2021 to form the Charter Review Committee will constrain its discussions; the Library Board may not be needed because Alameda County runs the library and staff, interacting with the Council may be more efficient; concern about dissolving the Library Board without obtaining community input; a suggestion for the Board of Education to appoint at-large advisory body members if more than five members are needed on a committee and if there is a nexus to the Board of Education; the



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Board of Education could appoint community members to one if not both of the at-large seats on the SEJC; a question about the rationale for the Board of Education appointing members to the Council's advisory bodies; obtaining the Board of Education's input regarding at-large appointments to City advisory bodies would be good and valuable; students serving on advisory bodies would be good, but they may not need to be appointed by the Board of Education; a community member with financial oversight experience and Finance Director Rowden have indicated the charge for the Financial Advisory Committee is too broad; the Financial Advisory Committee and the Council would narrow its work through developing and approving a workplan; amending the Financial Advisory Committee's enabling resolution to be permissive rather than directive would be beneficial; a suggestion to substitute the phrase "Council as a whole" for the phrase "Council at-large;" ideally, the Financial Advisory committee would review the CAFR prior to Council review, but the Council should review the most recent CAFR as soon as it is ready; a member of the public's suggestion to divide the duties of the Parks, Recreation & Open Space Commission (PROSC) with another advisory body should be presented to the PROSC to determine its interest; a suggestion to consider dividing the duties of the PROSC after the parks master plan has been prepared; the suggestion to accept applications for the Arts Committee from nonresident members of the business community is intended to increase input from the business community because public art affects the appearance of business districts; the proposed resolution enables the Council to appoint a nonresident to the Arts Committee; the number of business owners who have art qualifications may be small or none; the onus to select appropriate applicants for advisory bodies is on the Council; a suggestion not to fill vacant advisory body seats after November 1 in the second year of the term; support for leaving a seat vacant for an incoming Council to fill.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to direct staff to draft a resolution revising the Community Media Access Committee charge to include working on and advising the Council regarding improving the community's access to information about City government and process.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

The Council directed staff to agendize a discussion of topics for the Charter Review Committee's workplan in the next few months.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to explore the Board of Education appointing a community member to one of the two at-large seats on the Social & Environmental Justice Commission.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.



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MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Nason, to adopt Resolution No. 2020-01 with the resolution amended to utilize the term "Council As a Whole" in place of "Council At-Large."

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Tiedemann, to adopt a policy of not making changes to advisory body appointments after November 1 in the second year of the two-year term of the advisory body.

AYES: Council Members McQuaid and Tiedemann, Vice Mayor Jordan

NOES: Council Member Nason, Mayor Gary

Motion carried and so ordered.

MOTION:

Moved by Council Member Tiedemann, seconded by Council Member McQuaid, to direct staff to prepare and present to the Council a resolution sunsetting the Library Board.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

12-2. City Council Strategic Plan Implementation Status Update

Staff recommendation: that the Council receive a status update regarding implementation of the City Council Strategic Plan July 2019-June 2021 and provide direction to staff on any necessary reprioritization or updates to the Strategic Plan goals and preference regarding approach for upcoming Strategic Planning process

City Manager Almaguer presented the staff report. The current Strategic Plan extends from July 2019 to June 2021. The COVID-19 pandemic has limited staff's ability to work on certain areas. Staff needs direction regarding the Council's priorities so that they can amend their workplans and begin drafting the next iteration of the Strategic Plan.

Assistant City Manager Isabelle Leduc reviewed the objectives and the status of workplan items and potential workplan items.

A summary of public comments is as follows: the inside of public trash cans need cleaning, and the City needs school zones; a concern about community outreach items, and park benches should not have arms; support for continuing the existing format of the Strategic Plan; cannabis and dispensaries are a social justice issue.

A summary of Council comments is as follows: information about Social Host Laws is needed; Item 2 under Connect with and Engage Community should include metric targets; a request for data regarding AC Alerts; encroachments into the public right-of-way occur throughout the City; a study session about mandatory campaign finance limits can be deferred; the workplan item



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regarding Social Host Laws can be deleted; workplan items regarding electronic billboards and cannabis can be removed; an electronic billboard at City Hall can be used for community outreach; the Strategic Plan should include more information and timelines, and updates should provide results and outcomes; a preference to retain the current format for the Strategic Plan; staff could provide recommendations for items to be removed; the Strategic Plan should include only items that cannot be referred to an advisory body; the current Strategic Plan format is not beneficial; the Strategic Plan guides the Council in approving advisory body workplans; the Strategic Plan is more about the issues that are important to the Council than timelines and metrics; perhaps the Strategic Plan should provide short-term and long-term goals; the Strategic Plan is intended to guide the work of staff and advisory bodies; the current format works well; the status of items could include timelines and metrics; the next Strategic Plan should probably be more broad in order to be more useful.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Tiedemann, to extend the meeting to 11:00 p.m.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

The Council recessed for a short break.

A summary of additional Council comments is as follows: the Council could develop its own workplan that contains items not contained in advisory body workplans; a suggestion not to revise the current Strategic Plan and to discuss the Strategic Plan again in a few months.

The Council directed staff to schedule another discussion of the Strategic Plan in a few months.

12-3. City Council Policies Review

Staff recommendation: that the Council review any necessary changes to the City Council Policy Manual (formerly the City Council Rules of Procedure and Order and City Council Policies)

By acclamation, the Council continued this item to an upcoming meeting.

A summary of public comments is as follows: the Council is not upholding the U.S. Constitution by citing the Pledge of Allegiance incorrectly; a request for this item to be placed early in the agenda; a suggestion not to include the Pledge of Allegiance in Council meetings.

13. FUTURE AGENDA ITEMS

Council Member Nason requested agenda items regarding transparency in the governance of horse racetracks in California and an update of the situation at the bowling alley.

Mayor Gary requested an agenda item regarding a plan for reopening under less restrictive COVID-19 public health orders.



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A summary of public comments is as follows: a request for agenda items regarding school zones and a tax on alcohol and alcoholic beverages.

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

14-2. Upcoming City Meetings

- A. Social & Economic Justice Commission Meeting, Tuesday, January 5, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Economic Development Committee Meeting, Thursday, January 7, 5:00 PM, Virtual Meeting via phone/video conferencing
- C. Arts Committee Meeting, Monday, January 11, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Planning & Zoning Commission Meeting, Wednesday, January 13, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Parks, Recreation & Open Space Commission Meeting, Thursday, January 14, 7:00 PM, Virtual Meeting via phone/video conferencing
- F. City Council Meeting, Tuesday, January 19, 7:30 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

10:59 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

A blue ink signature of Ge'Nell Gary, written in a cursive style, positioned above a horizontal line.

Ge'Nell Gary
Mayor

Attest:

A blue ink signature of Anne Hsu, written in a cursive style, positioned above a horizontal line.

Anne Hsu, City Clerk