



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, February 1, 2021

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**6:30 p.m.**

### **SPECIAL MEETING**

#### **1. CALL TO ORDER / ROLL CALL**

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

Absent: None

#### **2. WORK SESSION**

##### **2-1. City Council Policies Review**

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

City Manager Nicole Almaguer presented the staff report. This item was continued from the January 19, 2021 meeting. The City Council Policy Manual contains the rules of procedures and order for all Council meetings, administrative policies, and governing policies. Staff has drafted an agenda template, which attempts to address requests to place some items earlier on the agenda, and language regarding Council reorganization, the term of appointments to regional bodies, and the Pledge of Allegiance.

A summary of public comments is as follows: inquiries regarding the length of the August recess and the source of funding for food; food arrangement for special meetings; City Manager should not have the discretion to act without Council approval during the recess; the City Manager Report or an announcement section could be placed prior to the Consent Calendar; support for eliminating the Pledge of Allegiance; the U.S. Code contains provisions for the Pledge of Allegiance.

Council Member Tiedemann clarified that the Council recess is the entire month of August.

City Manager Almaguer reported any city manager would request a special meeting of the Council if a matter of dire decision making arises during the recess. The policies and procedures document has been carried forward for many years, and she could not recall a time when the policy was used.

A summary of Council comments and consensus is as follows:

Section A-1: delete the use of word "retreat"; interest in starting meeting at 7:00 p.m., suggestion to add language for virtual meetings should be postponed since the current



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virtual meeting format may change when the Executive Order rescind and pending possible state law changes;

Section A-3: keep three Council Members may to call a special meeting as specified in the Brown Act but minimize the discussion with only the merits of the content of the special meeting; include email as a method of delivery for a special meeting notice; a discussion if food should be provided to Council Members and how food arrangements can be made if meeting starts prior to regular City Council meeting; change the time in the light fare paragraph to 7:00 p.m. if start time is changed to 7:00 p.m.;

Section A-8: the paragraph about City Manager discretion will remain for the support and trust bestowed to the City Manager.

Section B-1: reordering the agenda template to as follows: Call to Order, Roll Call, Report on Action Taken in Closed Session, Ceremonial Matters, City Manager Report, Good of the City/Public Comment, Consent Calendar, Presentation, Public Hearing, Unfinished Business/New Business with flexibility of Unfinished Business or New Business first, Council Reports, Announcements; indicate “none” if there are no items or business under an agenda heading; discussion to whether Pledge of Allegiance should be removed.

In a straw poll, Council Members McQuaid and Nason opposed removing the Pledge of Allegiance from the agenda, and Council Member Tiedemann, Vice Mayor Jordan, and Mayor Gary supported removing the Pledge of Allegiance.

The Council agreed to continue this item to a date certain of February 16, 2021.

### 3. ADJOURNMENT OF SPECIAL MEETING

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

###### 3-1. Proclamation – Black History Month

Mayor Gary presented the proclamation to Linda Williams, President of the Black Parent Advisory Group who expressed appreciation of the recognition of Black History Month.



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Council Member McQuaid also recognized Gayle Tapscott, an African-American woman who was elected to the Board of Education in 1986 and served for one term. The Proclamation will be updated to include Gayle Tapscott.

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

#### 5. CONSENT CALENDAR

##### 5-1. Minutes, January 19, 2021

Staff recommendation: Approve

##### 5-2. Ratification of Payroll – Date Paid: 1/15/21, Net Amount: \$302,329.82, Withholding, Deductions: \$, 335,304.61, Gross Payroll: \$637,634.43

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 \$72,032.78 (1/15/21), \$445,513.66 (1/22/21)

Staff recommendation: Ratify

##### 5-4. 2021-2022 Advisory Body Appointments

Arts Committee – Daly Richards (Gary), Peter Goodman (Nason), Emily Bergmann (AUSD BOE)

Climate Action Committee – Eric Larson (McQuaid)

Community Media Access Committee – Julian Lewis & Maria Yates (AUSD BOE)

Economic Development Committee – Amy Smolens (Nason)

Parks, Recreation & Open Space Commission – Angela Armendariz & Julia Price (AUSD BOE)

Social & Economic Justice Commission – Jeremiah Garrett-Pinguelo (AUSD BOE)

Staff Recommendation: Information Only

##### 5-5. Ordinance No. 2021-01 Second Reading to Consider Amending Section 20.100 “Procedures” of the Albany Municipal Code

Staff recommendation: that the Council adopt Ordinance No. 2021-01, amending Section 20.100 “Procedures” of the Albany Municipal Code – Second Reading, Pass-to-Print



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### 5-6. Regional Early Action Program Grant Opportunity

Staff Recommendation: that the Council adopt Resolution No. 2021-09, authorizing the City Manager to submit to Association of Bay Area Governments/Metropolitan Transportation Commission (ABAG/MTC) a Regional Early Action Program (REAP) grant application and if awarded to execute associated grant agreements

### 5-7. Amendment of Agreement #2 to Contract No. C16-28 with Phillips Seabrook Associates for Community Development Project Review and Inspection Services

Staff recommendation: that the Council adopt Resolution No. 2021-10, authorizing the City Manager to Enter into Amendment of Agreement #2 to Contract No. C16-28 with Phillips Seabrook Associates for Community Development Department Project Review and Inspection Services

Mayor Gary asked if anyone wishes to remove an item from the consent calendar. Council Member McQuaid removed Item 5-5. A member of the public removed Item 5-6.

Item 5-5: City Manager Almaguer requested the Council continue this item to February 16, 2021.

A summary of public comments is as follows: requirement of public notices at proposed project construction site should not be eliminated; the City should commit to meeting the housing needs of everyone in the community, including the homeless (Item 5-6).

A summary of Council comments is as follows: Item 5-8 of the January 19, 2021 meeting minutes should reflect that the Albany Unified School District (AUSD) Board of Education rather than the Board President appoints members to the advisory bodies.

#### **MOTION:**

Moved by Council Member McQuaid, seconded by Vice Mayor Jordan, to approve the consent calendar with the amendment to the meeting 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: a Council Member should be limited to one four-year term; President Biden should be made aware of some of the City's



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accomplishments over the last six years; encouragement for the Council to help ban horse racing in California and to reevaluate the land needs for Golden Gate Fields; the City needs to reduce or eliminate the business license tax to aid local businesses; February 14, 2021 is the beginning of the Chinese New Year; and a suggestion for a COVID-19 update during each Council meeting.

City Manager Almaguer reported that staff has reviewed everything that can be done to support the community at this time but because the business license tax was approved by the voters, the language is very clear there is no authority to waive or withhold business tax payments for any period of time. Staff is reviewing the business license tax system as a priority to update the language and staff report on this item will be forthcoming to the Council.

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

**7-1. City Council Subcommittees:**

<b>Council Subcommittees</b>	<b>Subcommittee Members</b>	<b>Last Report Date</b>
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:**

<b>Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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
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



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### A. Council Member McQuaid Report

Council Member McQuaid reported she attended the Alta Bates Hospital Task Force meeting with Council Member Nason, several events of the League of California Cities (East Bay), the ECHO webinar, and an Everyone Home leadership team board meeting.

Council Member Nason reported she attended a meeting of the Alameda County Transportation Commission (ACTC).

Council Member Tiedemann reported he attended meetings of the East Bay Community Energy (EBCE) Board.

Vice Mayor Jordan reported he attended a meeting of the Alameda County Waste Management Authority Board and Energy Council (StopWaste) where he learned about the state law that requires the City to purchase a certain amount of product made from organic waste.

Mayor Gary reported she attended the Police and Fire Pension Board, where was elected to Vice Chair of the Board, and the 2021 New Mayors and Council Members Academy with Vice Mayor Jordan.

A summary of public comments is as follows: an inquiry regarding Alta Bates offering COVID-19 tests and vaccinations; ACTC needs to know that AC Transit buses are speeding.

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

None

## 8. CITY MANAGER REPORT

City Manager Almaguer reported the Alameda County Public Health Department's website provides the most current information regarding COVID-19. The Shelter-in-Place Order was lifted effective January 25. Staff will present programs to assist local businesses as soon as priorities for the business community are identified. A COVID-19 vaccination program should be available in February. Free sandbags are available at the Fire Department, and sand is available at Ocean View Park parking lot. Residents who need assistance with sandbags should call 510-524-9122. An Albany paratransit virtual workshop will be held February 18<sup>th</sup>. Staff continues to provide meals, groceries, essential items, and services to the community. Public Works staff planted 500 native plants on Albany Hill. Recent storms downed four trees but caused no significant property damage. The City requires property owners to hire a certified arborist to prune street



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trees. Sewer cleaning and inspection work along Cerrito Creek is progressing well. The paving project for Adams Street will begin this week.

In reply to Council Member Nason's question, City Manager Almaguer agreed to provide information regarding traffic calming measures on Solano Avenue at a later time.

A summary of public comments is as follows: a request to update the Berkeley Food Network's hours on the City website; a request for the Council to implement an effective and comprehensive traffic calming program for Solano Avenue.

### 9. PRESENTATION

#### 9-1. Presentation by Berkeley Food and Housing Project (BFHP) on Albany Project HOPE – Housing Opportunities Expanded

Staff recommendation: that the Council receive a presentation by Berkeley Food and Housing Project on services provided for Albany Project HOPE

Assistant City Manager/Recreation & Community Services Director Isabelle Leduc presented the staff report. BFHP has housed and retained housing for people who have been chronically homeless. A supervisory case manager and a housing navigator collaborate with Albany Cares staff, the Police Department, and other social services providers to support people experiencing homelessness in Albany and attend a monthly client case conference. Outreach is conducted on weekdays at key sites and with potential clients identified by City employees. Housing navigators offer an assessment and available options for shelter, work towards permanent housing solutions and other priority needs, and make referrals to services. A combination of General Fund and grant funding supports motel stays during the pandemic, rapid re-housing subsidies, landlord incentives, flexible housing subsidies, and housing prevention assistance.

Calleene Egan, BFHP Executive Director, provided BFHP's mission.

Angela Upshaw, BFHP Associate Director of Programs, shared the pathway to housing. Clients are assessed with the goals of placing clients on the By Name List and obtaining five core documents for clients. Outreach in Albany found 55.5 percent of clients is female and 55 percent is African-American.

Angelina Roman, Albany Project HOPE Supervisory Case Manager, related the outreach approach of engagement, trust, consistency, and respect. The outreach team contacts clients referred by Project HOPE and the Albany Police Department to offer services. Through partnerships with the Rodeway Inn and Travelodge in Berkeley, Safer Ground, and LifeLong Medical Center, clients have received safe housing and mental health services. Some clients have received permanent supportive housing with



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completion of disability verification letters. Since March 2020, 36 clients have been placed in motels, 8 clients have been rapidly re-housed, 4 clients have been permanently housed, and 16 clients have been matched for permanent supportive housing. Albany House, a temporary home for the chronically homeless, provides support and life skills for clients. Albany Project HOPE has obtained permanent housing and medical services for an individual who has been homeless in Albany for more than 15 years.

A summary of public comments is as follows: a suggestion for key sites to include Sprout's; inquiries regarding shower programs and life skills; an inquiry regarding BFHP's experience with transgender homeless individuals; the University of California Berkeley is missing from efforts to support individuals at risk of homelessness; a suggestion for educational programs targeted to Albany landlords.

A summary of Council comments is as follows: concern that housing homeless individuals in other communities may increase their stress or mental health issues; effective education and communication may persuade Albany landlords to participate in the program.

### 9-2. Quarterly Financial Update

Staff recommendation: Report is for informational purposes only

Finance Director Heather Rowden presented the staff report. Overall, expenses are approximately 50 percent of budgeted amounts; salaries and benefits have exceeded budgeted amounts due to COVID-19 challenges and absences and wildfires; other expenses are slightly below budgeted amounts; and revenues are slightly above budgeted amounts. The apparent increase in expenses from fiscal year (FY) 2019-2020 to FY 2020-2021 is caused by the change in the Public Works budget, unfunded pension liability costs, and insurance deductibles. FY 2020-2021 revenue is slightly higher than FY 2019-2020 revenue. The California Public Employees' Retirement System (CalPERS) unfunded liability payment will increase from \$2.08 million to \$5 million in 2030. An additional payment of \$500,000 from the pension tax was budgeted. The City will be reimbursed for the Fire Department's response to wildfires, but the funds will increase revenues rather than decrease expenses. Consequently, the expense for overtime will exceed budgeted amounts. The transfer tax increase resulted in increased revenue of \$150,000 for FY 2020-2021 and \$300,000 in FY 2021-2022. The utility users' tax (UUT) increase is projected to increase FY 2020-21 revenue by \$193,000 and FY 2021-2022 revenue by \$674,000.

A summary of public comments is as follows: a request for the Police Department's and Public Works Department's costs for gasoline and how overtime is paid in the Police Department; the Financial Advisory Committee looks forward to assisting the Council; some Police Department tasks and responsibilities may be assigned to other entities, and





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the State of California may provide some funding for the entities handling those tasks and responsibilities.

Finance Director Rowden advised that overtime is based on the number of hours worked per pay period rather than per day.

### 10. PUBLIC HEARING

### 11. UNFINISHED BUSINESS

#### 11-1. Pension Board Alternates

Staff recommendation: that the Council appoint the alternates for the Board of Police and Fire Pension Fund Commissioners per City Charter Section 9.01

City Clerk Anne Hsu presented the staff report. The alternates may serve for a period of up to one year unless reappointed. Staff recommends the Council select a Council Member to serve as Mayor Gary's alternate to the Board of Police and Fire Pension Fund.

Council Member McQuaid nominated herself to serve as Mayor Gary's alternate.

#### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to appoint Council Member McQuaid as Mayor Gary's alternate and staff's recommendations for the remaining alternates for the Board of Police and Fire Pension Fund Commissioners per City Charter Section 9.01

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

NOES: None

Motion carried and so ordered.

#### 11-2. Charter Review Committee Potential Workplan Items and Consideration of Transitioning the Committee to a Task Force

Staff recommendation: that the Council identify possible workplan items related to the Charter Review Committee and provide any direction to staff regarding whether this Committee should transition to a Task Force

City Manager Almaguer presented the staff report. This item was continued from the prior meeting. Previously, a Council Member suggested the Council consider a prospective Work Plan in order to determine the utility of the group as a committee versus a task force.



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A summary of Council comments is as follows: a preference to continue the Charter Review Committee as a standing committee as the committee meets when it has business, is not a burden on staff, and has an outstanding item on its Work Plan; a preference to prepare the Council Strategic Plan before deciding the future of the Charter Review Committee; support for continuing the committee as a standing committee.

### **MOTION:**

Moved by Vice Mayor Jordan, and seconded by Council Member Tiedemann, to continue the Charter Review Committee as a committee and to direct it to meet in April 2021 to develop a Work Plan.

AYES: Council Member Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: Council Members McQuaid and Nason

Motion carried and so ordered.

A summary of additional Council comments is as follows: the Charter Review Committee's Work Plan should include youth voting and Council compensation; the recruitment process for the Charter Review Committee should be completed before the Council considers a Work Plan; a suggestion for the Council Members interested in the Charter Review Committee to lead the recruitment effort; the Charter Review Committee should consider topics that improve the City as a whole; the Charter Review Committee members should not be selected based on whether they support a particular matter such as a change to Council compensation. The Committee should set up a committee that is looking at the betterment of the City; establish criteria how Charter Review Committee addresses issues for betterment of the City.

## **12. NEW BUSINESS**

## **13. FUTURE AGENDA ITEMS**

Council Member Nason requested an agenda item regarding the Cross on Albany Hill.

Vice Mayor Jordan reported he has requested a discussion of the sidewalk policy.

A summary of public comments is as follows: a request for agenda items concerning Golden Gate Fields and a ban on the products of chocolate companies that utilize child labor.

## **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. Social & Economic Justice Commission Meeting, Tuesday, February 2, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Economic Development Committee Meeting, Thursday, February 4, 5:00 PM, Virtual Meeting via phone/video conferencing
- C. Arts Committee Meeting, Monday, February 8, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Planning & Zoning Commission Meeting, Wednesday, February 10, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Parks, Recreation & Open Space Commission Meeting, Thursday, February 11, 7:00 PM, Virtual Meeting via phone/video conferencing
- F. City Council Meeting, Tuesday, February 16, 7:30 PM, Virtual Meeting via phone/video conferencing (Presidents' Day on Monday, February 15)

### 15. ADJOURNMENT

10:44 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Handwritten signature of Ge'Nell Gary in black ink.

\_\_\_\_\_  
Ge'Nell Gary  
Mayor

Attest:

Handwritten signature of Anne Hsu in black ink.

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Anne Hsu, City Clerk