



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, March 15, 2021

6:00 p.m.

CLOSED SESSION

1. CALL TO ORDER / ROLL CALL

Present: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary
Absent: None

2. CLOSED SESSION

2-1. Conference with Real Property Negotiation
Government Code Section 54956.8

Property: Maintenance Easement for Existing Cross on a Portion of Albany Hill Park
located on west side of the 700 block of Taft Street, APN 066-2754-040-03

Agency Negotiators: Scott Ditfurth, City Attorney's Office

Negotiating Parties: Bob Nichols, Attorney for Albany Lions Club, Lions International

Under Negotiation: Price and Terms of Payment

3. ADJOURNMENT OF SPECIAL MEETING

7:00 p.m.

REGULAR MEETING

1. CALL TO ORDER

2. ROLL CALL

Present: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary
Absent: None

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

City Attorney Mala Subramanian reported no reportable action was taken.

4. CEREMONIAL MATTERS

4-1. Proclamation – American Red Cross Month

Mayor Gary presented the proclamation to Cortes Saunders Storno of the American Red Cross.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the Planning & Zoning Commission has scheduled a study session regarding a mixed-use project at 540 San Pablo Avenue for March 24, 2021. The Berkeley Humane Thrift Shop will hold a soft opening at 1120 San Pablo Avenue on March 24. Survey responses have been posted to the San Pablo Avenue Specific Plan website. The Police Department has staffed intersections with crossing guards as schools reopen. Work is progressing well on curb ramp rehabilitation along Lower Solano Avenue and should be complete



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by mid-April. The sidewalk repair program will follow the curb ramp project. Public Works staff is monitoring the construction project on Washington Avenue and coordinating work with East Bay Municipal Utility District (EBMUD). The sidewalk shaving project is progressing. Staff, with the Climate Action Committee's help, has developed a home electrification website at albanyca.org/electric. Staff is reviewing criteria for funding opportunities provided by the American Rescue Plan Act and will share information with the Council.

A summary of public comments is as follows: an inquiry as to the number and locations of crossing guards; a request for the City to use American Rescue Plan Act funding for individuals' past due rents, individuals who have lost jobs, and homeless people; and an inquiry regarding the City's receipt of previous relief funds and how any funds were used.

City Manager Almaguer advised that the number of crossing guards has not been determined at this time. The City received a small amount of relief funding and used the funds to cover direct expenses associated with the pandemic.

Council Member Tiedemann noted the County of Alameda is developing a rent assistance program.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comments is as follows: appreciation for the donations of clothing and meals to the homeless; the City needs a portable shower for the homeless; disagreement with the City Attorney's recommendation for staff to stop forwarding emails from an individual Planning & Zoning Commissioner to the full Commission; Planning staff did not post the presentation for a Planning & Zoning Commission agenda item prior to the meeting, which staff indicated is a longstanding practice; a suggestion for the City to install a work of art created by the Ohlone people on the Greenway; requests for information regarding public toilets and fresh water to be posted for the public and for the City to provide fresh water 24 hours per day; funding not used for the crossing guard program should be reallocated to another City program; a suggestion for the City to enact hazard pay for grocery workers.

7. CONSENT CALENDAR

7-1. Minutes, March 1, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid: 2/26/21, Net Amount: \$300,990.68, Withholding, Deductions: \$325,961.73, Gross Payroll: \$626,952.41

Staff recommendation: Ratify

7-3. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$170,971.14 (2/26/21), \$102,089.70 (3/5/21)



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Staff recommendation: Ratify

7-4. Point-of-Sale Sidewalk Repair Requirement

Vice Mayor Jordan recommendation: that the Council direct staff to prepare an ordinance removing the requirement in Albany's Municipal Code §14-1.7 that property owners 1) repair damaged sidewalks adjacent to their property at the time of property transfer if needed, and 2) secure a Sidewalk Compliance Certificate from the City before property transfer, whether or not the sidewalk needed repair

7-5. Resolution of the Albany City Council requesting an inclusive redistricting process for Alameda County in 2021

Council Member McQuaid recommendation: that the Council adopt Resolution No. 2021-17, calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive, and transparent redistricting process based on 2020 Census data

7-6. Waste Management of Alameda County Annual Rate Adjustment Request

Staff recommendation: that the Council accept the annual rate adjustment of 2.09% pursuant to the terms of the Collection Services Franchise Agreement with Waste Management of Alameda County

7-7. Network Switches Upgrade

Staff recommendation: that the Council adopt Resolution No. 2021-27:

1. Authorizing the waiver of formal bids;
2. Authorizing the City Manager to enter into agreements with Executech for the purchase of network equipment in the amount of \$93,836, and
3. Appropriating funds in the amount not to exceed \$100,000 from IT Reserves

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Vice Mayor Jordan removed Items 7-1 and 7-7. Council Member Nason and Mayor Gary removed Item 7-4.

Item 7-1: Vice Mayor Jordan requested Council comments under Item 8-2 reflect a suggestion for the City to develop a unified tax exemption and rebate application with Albany Unified School District (AUSD).

Item 7-4: Community Development Director Jeff Bond reported no funding supports the point-of-sale program. Public Works staff utilizes tax revenue to fund the sidewalk repair program.

Item 7-7: Information Technology (IT) Manager Victor Mba reported the three bids were in the same general price range. Executech provided additional discounts because of its longtime relationship with the City and knowledge of the City's IT infrastructure. The only additional costs will be installation and configuration, which is covered under professional services. The Council may review all bids for the project. City Manager Almaguer advised that staff rarely waives the



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bid process for contracts of this amount. IT infrastructure is a unique situation because it is often unique to each entity.

A summary of public comments is as follows: sidewalk repair is the City's responsibility (Item 7-4); the City Attorney should comment on the City's liability for injuries caused by damaged sidewalks if the City accepts responsibility for sidewalk repairs (Item 7-4); the City may but is not required to make sidewalk repairs the responsibility of adjacent property owners (Item 7-4); an inquiry regarding the extent of the property owner's control over sidewalks if they are responsible for repairing them; inquiries as to the warranty for the switches and the entity performing installation (Item 7-7).

IT Manager Mba indicated the hardware comes with a three-year warranty. The vendor will handle installation and configuration.

A summary of Council comments is as follows: support for Item 7-4 even though the ordinance was intended to provide fairness to neighbors who routinely maintain their sidewalks; if the Council eliminates the point-of-sale program, provisions placing the responsibility for sidewalk repairs on the adjacent property owner will remain (Item 7-4); most sidewalk damage is caused by trees, and the City owns street trees and sidewalks (Item 7-4); sidewalk repairs have been scheduled for Ventura (Item 7-4).

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, to approve the consent calendar with the amendment to the March 1, 2021 minutes.

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

NOES: None

Motion carried and so ordered.

8. PRESENTATION

9. PUBLIC HEARING

9-1. Proposed Code Addition to Albany Municipal Code Section 2-30.10 Electronic Filing of Campaign Statements – First Reading

Staff recommendation: that the Council introduce for first reading Ordinance No. 2021-03, adding Section 2-30.10 Electronic Filing of Campaign Statements to Albany Municipal Code

City Clerk Hsu presented the staff report. Campaign statements are prepared, executed, and submitted in hard copy format as part of the election process. To save paper and make the process more accessible, staff proposes the addition to the Municipal Code. The electronic filing system will automatically redact specific information and make statements available to the public within 72 hours as required by AB 2151.

City Clerk Hsu confirmed that forms are signed electronically with the electronic filing submittal.



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A summary of public comments is as follows: filing and amending statements electronically are much simpler and faster than submitting paper copies and the electronic filing system helps to avoid making errors.

MOTION:

Moved by Council Member Nason, seconded by Council Member Tiedemann, to introduce for first reading Ordinance No. 2021-03, adding Section 2-30.10 Electronic Filing of Campaign Statements to Albany Municipal Code.

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

NOES: None

Motion carried and so ordered.

10. UNFINISHED BUSINESS

10-1. City Council Policies Review

Staff recommendation: that the Council continue to review and 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 Almaguer presented the staff report. This Council has reviewed the proposed Policy Manual previously.

A summary of Council comments is as follows: a suggestion to randomize the order of voting; a proposal to set a rotating order of voting; a suggestion to include language for virtual meetings in the second paragraph of "Voting Disqualification;" a proposal to establish a queue of Council Members to become Vice Mayor and subsequently Mayor with Council Member allowed to recuse themselves from becoming Vice Mayor and drop to the bottom of the queue; an interest to see the policy for appointments to the regional bodies; a request for staff to routinely provide an itemization of Council Member expenses that have been reimbursed; support for staff providing copies of Council Member expense forms; a suggestion to delete the first paragraph entitled "Content" of the City Council Strategic Plan Policy, retaining the language in the second section entitled "Policy"; a suggestion to revise the City Council Strategic Plan Policy after Council has reviewed the Strategic Plan; a suggestion to revise page 40 to state "best practices when posting to any Social Media Site;" a proposal to expand the preference for Albany minority or women-owned business enterprises in subpart d on page 45 to "Albany, minority or women-owned business enterprises" in Albany first and then to any minority or women-owned enterprise; a suggestion to change the title to Albany City Council Procedures and Policies.

Mayor Gary confirmed the discussion of the City Council Reorganization section establishing procedures for selection of Mayor and Vice Mayor and for appointments to regional bodies will return to the Council at next meetings.

A summary of public comments is as follows: a suggestion that priority should not just be an Albany business; a question regarding the qualifications of emergency standby officers; if Council Members are not reimbursed for their expenses, they should be allowed to claim them on their tax returns; a request for the Council to support a letter regarding human rights in Iran.



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City Attorney Subramanian reported the Government Code allows Council Members to select and prioritize three people to step in for them as standby officers should the an emergency prevent their participation in Council actions.

10-2. City Council Strategic Planning

Staff recommendation: that the Council determine preferred approach for the upcoming Strategic Planning process

City Manager Almaguer presented the staff report. At the beginning of the year, staff presented the status of the current City Council Strategic Plan. Staff seeks Council direction regarding the process of developing the next City Council Strategic Plan. The staff report provides options to spur the Council's discussion. Items in the Strategic Plan are usually outside the regular workload and mandatory obligations of local government. Given the uncertainties of local government, a prioritization of items should include some flexibility.

A summary of Council comments is as follows: a suggestion for staff to provide a list of core areas that need greater attention; a suggestion for staff to provide more detailed reports of the status of projects; the current Strategic Plan seems disordered; the Strategic Plan should not reiterate items in advisory body work plans; the Council should prioritize items; priorities for each department may be different; there should be some flexibility in the Strategic Plan to respond to crises; priorities for a department may be limited by staff capacity; the Strategic Plan should be supported by budgeting; Strategic Plan goals could be thematic; a thematic structure seems to imply that advisory bodies will direct staff or the Council; advisory bodies would provide work plans to the Council for modification and approval; the Council should set its priorities, and advisory bodies should assist the Council in achieving the priorities; the Council could prioritize one or two work plan items rather than all work plan items.

11. NEW BUSINESS

11-1. East Bay Community Energy (EBCE) Default Energy Plan

Council Member Tiedemann recommendation: that the Council create a subcommittee to research and suggest a new default energy plan with East Bay Community Energy (EBCE)

Council Member Tiedemann presented his memorandum. EBCE's Brilliant 100 product, which is the City's default product for all accounts, is not financially feasible and will not be available after December 31, 2021. Given the technical nature of energy products, he requested assistance in reviewing EBCE products for a recommendation to the Council.

A summary of Council comments is as follows: development of a new mid-level product would be the work of EBCE staff; the Council may wish to suggest parameters for a new product to EBCE staff; the Council resolution also prioritized products; accounts may opt out of the Council's default product.



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12. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY AND OTHER MEETINGS AND EVENTS

12-1. 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
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

Council Member McQuaid reported she attended the National League of Cities Summit, several Everyone Home meetings, a Housing Authority of Alameda County meeting, and many webinars including the first session of the Institute for Local Government Public Safety Reform and Innovation series and the Leading Local webinar.

Council Member Nason reported she attended a number of webinars, including one about the American Rescue Plan Act.

Vice Mayor Jordan reported he attended meetings of the StopWaste Programs and Administration Committee and the Alameda County Mosquito Abatement District Finance Committee and met with StopWaste staff individually to discuss programs that Measure DD funding could support. Both StopWaste and the Alameda County Mosquito Abatement District are financially strong.

Mayor Gary reported she attended the Alameda County Mayors' Conference and an East Bay Economic Development Alliance meeting.

13. FUTURE AGENDA ITEMS

Council Member McQuaid requested an agenda item regarding opposition to anti-Asian racism.

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



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- A. Community Conversations: the Leadership within the Albany Police Department, Community Policing and Relations, Thursday, March 25, 4:30 PM, Virtual Webinar

14-2. Upcoming City Meetings

- A. Climate Action Committee Meeting, Wednesday, March 17, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Community Media Access Committee Special Meeting, Monday, March 22, 5:00 PM, Virtual Meeting via phone/video conferencing
- C. Planning & Zoning Commission Meeting, Wednesday, March 24, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Transportation Commission Meeting, Thursday, March 25, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. City Council Meeting, Monday, April 5, 7:00 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

9:27 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Ge'Nell Gary
Mayor

Attest:

Anne Hsu, City Clerk