



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, April 5, 2021

6:15 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 Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(2) (1 case)

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

Mayor Gary reported no reportable action was taken.

4. CEREMONIAL MATTERS

4-1. Proclamation – National Victims' Rights Week

Mayor Gary presented the proclamation to Michelle Joya of the Alameda County District Attorney's Office.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported Earth Day is April 22, 2021, and resources will be posted to the City website during April. The Washington Avenue pavement rehabilitation project has suffered delays, but beginning April 12 sections of streets in the area will be closed and parking restricted for pavement rehabilitation. The sidewalk



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shaving project was completed March 31. Staff continues to monitor the American Rescue Plan Act for funding opportunities and will present a discussion and proposal for the application of funding once more information is known.

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 those who commented on the horses at Golden Gate Fields; the City needs to implement school zones; encouragement for the Council to stop horseracing at Golden Gate Fields and investigate the situation; a request for the Council to condemn lawsuits involving recent protests at Golden Gate Fields; a request for the Council to revisit the Council Policy Manual on two items: Section A-8 allowing the City Manager to act during the Council's August recess and the section on City Council Member Emergency Substitutes Policy; encouraging public to find out more about the community of people who lived on the Bulb; a suggestion for meetings to begin with a reading from a local student; a request for the Council to allow public comment following the City Manager's report; support for ending horseracing; a request for the plan to reopen City Hall; a suggestion for the City to offer incentives for alternative uses of Golden Gates Fields; litter negatively impacts the City.

7. CONSENT CALENDAR

7-1. Minutes, March 15, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid: 3/12/21, Net Amount: \$325,153.63, Withholding, Deductions: \$342,004.23, Gross Payroll: \$666,157.86; Date Paid 3/26/21, Net Amount: \$291,962.85, Withholding, Deductions: \$322,653.03, Gross Payroll: \$614,615.88

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 \$281,020.45 (3/12/21), \$131,872.28 (3/19/21), \$357,189.66 (3/26/21)

Staff recommendation: Ratify

7-4. Proposed Code Addition to Albany Municipal Code Section 2-30.10 Electronic Filing of Campaign Statements – Pass to Print



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Staff recommendation: that the Council adopt Ordinance No. 2021-03, adding Section 2-30.10 Electronic Filing of Campaign Statements to Albany Municipal Code – Pass to Print

7-5. Fire Department Vehicle Replacement Purchase

Staff recommendation: that the Council adopt Resolution No. 2021-28, authorizing the appropriation of \$69,000 from Fire Department Equipment Reserve funds for the purchase and outfitting of one 2022 Chevrolet Silverado 1500

7-6. Encroachment Permit Fee Waiver for Berkeley Humane Society

Staff recommendation: that the Council adopt Resolution No. 2021-29, approving an encroachment permit fee waiver for the Berkeley Humane Society for three years

7-7. CIP Project No. 32000 – 2020 Sanitary Sewer Rehabilitation Project – Phase B Closeout (Contract No. C20-46) and Filing of Notice of Completion

Staff recommendation: that the Council adopt Resolution No. 2021-30, authorizing the City Manager to approve the final contract change order, to accept the improvements completed in Contract No. C20-46 (2020 Sanitary Sewer Rehabilitation Project – Phase B) and file the Notice of Completion with the County Recorder's Office

7-8. Masonic Intersections/Ohlone Greenway Trail Safety Improvements Project (CIP No. 25007) – Authorization to File an Application with MTC for TDA Article 3 Funding

Staff recommendation: that the Council adopt Resolution No. 2021-31: (1) Authorizing staff to execute and file an application for the Transportation Development Act (TDA) Article 3 funding with the Metropolitan Transportation Commission (MTC) for the Masonic Intersections/Ohlone Greenway Trail Safety Improvements Project (CIP No. 25007); and (2) Appropriating said funds in the amount of \$109,083; and (3) Adjusting the project budget to incorporate this funding source in the amount noted

7-9. Contract No. C21-21 Amendment 1: CIP Project Management Support Services

Staff recommendation: that the Council adopt Resolution No. 2021-32, authorizing the City Manager to execute Amendment No. 1 to Contract No. C21-21 with Zoon Engineering in the amount of \$100,000 from previously appropriated funds within the City's Capital Improvement Plan and the Public Works operating budget



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7-10. 2021-2022 Advisory Bodies Appointments

Charter Review Committee – Miles Tepper (Tiedemann)
Financial Advisory Committee – Anne Benker (Tiedemann)

Staff recommendation: information only

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Vice Mayor Jordan removed Items 7-1 and 7-8, Mayor Gary removed Items 7-5 and 7-7, and a member of the public removed Item 7-6.

Item 7-1: Vice Mayor Jordan clarified Council comments for Item 10-1 as a Council Member who chooses not to ascend to Vice Mayor will remain in the same position in the queue, and a Council Member who is serving as Vice Mayor and chooses not to ascend to Mayor will fall to the bottom of the queue.

Item 7-5: Fire Chief Calkins reported two bids were received, but one of the bids was a refusal to bid on a 2022 model truck. The new vehicle will replace a 17-year-old vehicle that probably has little value. The Fire Department plans to dispose of the old vehicle, and the City Manager and Finance Director will determine the use of any funds received from disposing of it.

Item 7-7: Community Development Director Jeff Bond reported unused funds have not been allocated for any other project at the current time.

Item 7-8: Community Development Director Bond reported the construction of bulb outs would probably be better suited to the type of contractor selected for the Marin repaving project rather than the signalization project. Staff will present to the City Council the final design for intersections in the near future.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, to approve the consent calendar with the amendment to the March 15, 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



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9-1. Proposed Urgency Ordinance – Grocery Workers Premium Pay

Staff recommendation: that the Council decide whether to adopt by 4/5-ths vote Urgency Ordinance No. 2021-04 establishing requirements for premium pay for grocery workers in the City of Albany

City Attorney Mala Subramanian presented the staff report. The pandemic has emphasized the importance of various workers who are considered essential, including frontline grocery workers. There have been reports of COVID-19 outbreaks in grocery stores. Grocery stores' profits have increased during the pandemic, and initially many grocery stores increased workers' pay. The urgency ordinance provides an additional \$5 per hour for grocery workers. The urgency ordinance requires a four-fifths vote and, if adopted, would take effect immediately, and would remain in effect for a minimum of 60 days and until the County reaches the yellow tier. The ordinance defines grocery store as a store devoting 70% or more of its business to retailing a general range of food products and requires stores to employ over 300 workers nationally and more than 15 employees per location. Retaliation against workers is prohibited. Stores have to provide workers with a notice of premium pay. The ordinance does not apply to grocery workers who are covered by a collective bargaining agreement. Several cities have adopted premium pay ordinances, and several of those cities have been sued by the California Grocers Association.

A summary of public comments is as follows: workers at Sprouts are not covered by a collective bargaining agreement, and the Sprouts assistant manager is willing to talk with the Council; support for the ordinance; the ordinance should apply to Target; the workers would receive premium pay for 60 days, which is a lot of money for grocery workers; premium pay would be a huge burden for mom-and-pop grocery stores; the risk of contracting the coronavirus is higher for Sprouts workers; grocery workers need to be compensated; some stores have negotiated premium pay with unions.

A summary of Council comments is as follows: perhaps the Council needs to send Sprouts a letter expressing dismay over Albany Sprouts employees not receiving premium pay; the ordinance is troubling because it applies to only one grocery store and the county may move into the yellow tier in the next week or so; the Council has received many emails in support of the ordinance; a proposal to eliminate the exemption for workers represented by a union; applying the ordinance to workers represented by unions potentially reduces the number of bases for legal action; a suggestion to broaden the definition of grocery store.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to adopt Urgency Ordinance No. 2021-04 establishing requirements for premium pay for grocery workers in the City of Albany with the addition of the specific citations and the findings



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and with the amendment to remove the provision (provision 2-N) that exempt unionized grocery stores.

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

NOES: None

Motion carried and so ordered.

9-2. Urgency Ordinance – Extending the Commercial Moratorium on Evictions for Nonpayment of Rent and Rent Increases during COVID-19 Pandemic

Staff recommendation: that the Council adopt Urgency Ordinance No. 2021-05, extending the temporary moratorium on evictions due to nonpayment of rent and rent increases for certain commercial tenants during the COVID-19 pandemic and setting forth the facts constituting such urgency

City Attorney Subramanian presented the staff report. The Governor recently extended his Executive Order regarding a moratorium on evictions for commercial tenants to June 30, 2021. Staff has proposed a corresponding extension of the City's moratorium. The ordinance provides for additional extensions of the moratorium if the Governor extends his Executive Order in the future.

A summary of public comments is as follows: opposition to evicting people; support for the ordinance in order to provide stability within the community.

MOTION:

Moved by Council Member Nason, seconded by Council Member McQuaid, to adopt Urgency Ordinance No. 2021-05, extending the temporary moratorium on evictions due to nonpayment of rent and rent increases for certain commercial tenants during the COVID-19 pandemic and setting forth the facts constituting such urgency.

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

NOES: None

Motion carried and so ordered.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. Free Laundry Program

Mayor Gary recommendation: that the Council fund the Free Laundry program for the next year at a rate of \$1,250 a month or \$15,000 for the year



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Mayor Gary presented her memorandum. Funding for Albany CARES will not be reduced to pay for the Free Laundry program. Students as well as homeless people have utilized the program.

A summary of public comments is as follows: support for the program regardless of where people live; the program is a gathering place for people to connect with others; the Albany Community Foundation has budgeted up to \$3,600 for the laundry program; the program has a huge impact on people's lives; funds have been raised through donations.

A summary of Council comments is as follows: support for the program; need some data for the program; suggestion of connecting to other resources may be additional best way to serve those in need; invite University Village to participate in funding this program and reaching out to other resources; St. Alban's is willing to be the 501(c)(3) fiscal sponsor for the program; question on why \$15,000 per year when the average expenditure has been \$600 per month; Council can utilize its discretionary funds for a donation in short term and a bridge for future long-term and able to gather data for the program.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to provide \$4,000 from the City Council Discretionary Funds to St. Alban's as the sponsor for the Diverse Housing Working Group specifically and only for the purpose of funding its ongoing voluntary staffed laundry service program that is provided free for those who need it.

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

NOES: Council Member McQuaid

Motion carried and so ordered.

11-2. Police Community Relations Advisory Committee

Mayor Gary recommendation: that the City Council approve the adoption of the City of Albany Police Community Relations Advisory Committee. The committee is charged with offering advice to the City Council and to the Police Chief based upon the committee's engagement with public comments and questions, in order to help the City plan and budget for public safety and to help the Chief continue to improve the department's responsiveness to community needs

Mayor Gary presented her memorandum to form a Police Community Relations Advisory Committee.

A summary of public comments is as follows: concern about the composition of the committee; the community has to be part of the process; forming such a committee may be appropriate after the Task Force has completed its work; a permanent committee can



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be a springboard for implementing reform and building trust; support for forming a committee.

A summary of Council comments is as follows: the update of the Police Department's Strategic Plan is an opportunity for the community to engage with the Police Department and to impact policing; concern about replacing the Community Task Force on Policing when it has just started; concern about the committee advising the Police Chief rather than the Council; the committee will advise the Council and Police Chief; the Task Force has not begun its work; the committee will move the City toward a robust, long-term program; changing the Task Force will seem disingenuous to the community members who voiced their opinions about policing; the charge of the Task Force includes what policing should look like; the Task Force may decide to go the direction of a relations committee, and the Task Force should not be dissolved before it has met; the Task Force needs a chance to demonstrate what it can do.

Mayor Gary announced the item is tabled and move forward with the Task Force and making sure there is a meeting set up to revisit the members of the Task Force.

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	Gary	(vacant)
City/AUSD/UC - 2X2X2	Gary	Jordan
Police & Fire Pension Fund Board	Gary	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)		N/A



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Vice Mayor Jordan reported he attended the StopWaste Board meeting and met with StopWaste staff and StopWaste's contractor to discuss building electrification.

Council Member Tiedemann reported he attended meetings of the East Bay Community Energy (EBCE) Board and its marketing, regulatory, and legislative committee.

Council Member McQuaid reported she attended webinars, an Everyone Home Leadership Board meeting, the ribbon-cutting ceremony for the Humane Society Thrift Store, two rallies against hate, and held a Zoom meeting with her appointments to Advisory Bodies.

Council Member Nason reported she attended the Alameda County Transportation Commission (ACTC) meeting, webinars, and a rally against hate.

13. FUTURE AGENDA ITEMS

Mayor Gary announced a resolution opposing violence against Asian-Americans will be presented to the Council on April 19 and a proclamation on May 3.

A summary of public comments is as follows: a suggestion for the Council to discuss world peace in light of all the hate in the world.

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, April 6, 7:00 PM, Virtual Meeting via phone/video conferencing
- B. Financial Advisory Committee Special Meeting, Wednesday, April 7, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Parks, Recreation & Open Space Commission Meeting, Thursday, April 8, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Arts Committee Meeting, Monday, April 12, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Planning & Zoning Commission Meeting, Wednesday, April 14, 7:00 PM, Virtual Meeting via phone/video conferencing



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F. Charter Review Committee Special Meeting, Thursday, April 15, 7:00 PM,
Virtual Meeting via phone/video conferencing

G. City Council Meeting, Monday, April 19, 7:00 PM, Virtual Meeting via
phone/video conferencing

15. ADJOURNMENT

Community members who recently passed away were recognized – Eugene Hellwig,
former Police Chief Larry Murdo, and Geoff Chin.

10:36 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