



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting  
Albany, CA 94706  
Monday, May 3, 2021

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### **SPECIAL MEETING: 5:30 PM**

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

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

Absent: None

#### **2. CLOSED SESSION**

A summary of public comment is as follows: encouragement for the City to conduct a wide search for a new Fire Chief.

**2-1.** Conference with Legal Counsel – Anticipated Litigation  
Government Code Section 54956.9(d)(2) (1 case)

**2-2.** Employment and Appointment of a Public Employee pursuant to Government Code Section 54957

Position to be filled: Chief of Fire Department

### **ADJOURNMENT OF SPECIAL MEETING**

### **REGULAR MEETING: 7:00 PM**

#### **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 announced the Council appointed James Boito as interim Fire Chief effective upon the retirement of Chief Calkins.

#### **4. CEREMONIAL MATTERS**

**4-1.** Proclamation – Affordable Housing Month

Council Member Tiedemann presented the proclamation to Gloria Bruce of East Bay Housing Organizations (EBHO).

**4-2.** Proclamation – Asian American and Pacific Islander Heritage Month

Mayor Gary presented the proclamation to Tiffany Tsang.



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A summary of public comment is as follows: affordable housing needs to be defined.

### 5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported Phase IV of the Sidewalk Repair Program began the prior week. Public Works has planted 130 new street and park trees. The repaving of Washington Avenue is progressing well, and updates are available on the City website. Activities are scheduled in May to celebrate Older Americans Month. Staff is available to answer questions or assist residents with applying for tax exemptions and renter rebates. The Recreation and Community Services Department is offering summer programs for children, hiring summer staff, and renting picnic spaces.

### 6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comment is as follows: the Arts Committee is accepting submissions for Spring into Haiku; update on Albany housing situation; recommendations for the Council to begin meetings with a land acknowledgement and a student reading; a request for the Council to accept public comment following the City Manager's report; a suggestion to post updates regarding Washington Avenue across the City; encouragement for staff to distribute news items and information across the City.

### 7. CONSENT CALENDAR

#### 7-1. Minutes, April 19, 2021

Staff recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 4/23/21, Net Amount: \$317,834.10, Withholding, Deductions: \$334,289.27, Gross Payroll: \$652,123.37

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 \$133,720.28 (4/16/21), \$219,518.62 (4/23/21)

Staff recommendation: Ratify

#### 7-4. 2021-2022 Advisory Bodies Appointment

Charter Review Committee - Harry Chomsky (Jordan)

Staff Recommendation: Information Only



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**7-5.** Proclamation – National Police Week And Peace Officers’ Memorial Day

Staff recommendation: that Council recognize May 9 – May 15, 2021 as National Police Week and May 15, 2021 as Peace Officers’ Memorial Day

**7-6.** Proclamation – Public Service Recognition Week

Staff recommendation: that Council proclaim May 2 – 8, 2021 as Public Service Recognition Week in the City of Albany

**7-7.** Ordinance No. 2021-08 Amending Albany Municipal Code Section 14-1.7 “Property Owner Responsibility for Sidewalk Repair” – Second Reading

Staff recommendation: that Council adopt Ordinance No. 2021-08, amending Albany Municipal Code Section 14.1.7 “Property Owner Responsibility for Sidewalk Repair”- Second Reading – Pass to print

**7-8.** Ordinance No. 2021-07 to Authorize Management of PCB-Containing Materials and Wastes During Building Demolition – Second Reading

Staff recommendation: that Council adopt Ordinance No. 2021-07 to Authorize Management of PCB-Containing Materials and Wastes During Building Demolition – Second Reading – Pass to print

**7-9.** Updating the Contract with Avenu Insights & Analytics/dba MuniServices to Provide Sales or Transactions and Use Tax Records Analysis

Staff recommendation: that the Council adopt Resolution No. 2021-39, authorizing examination of sales or Transactions and Use Tax Records with the amendment to the current sales or transactions and use tax services agreement

**7-10.** Agreement for Free Laundry Program Funding Support

Staff recommendation: that the Council adopt Resolution No. 2021-38, authorizing the City Manager to execute an agreement (Contract No. C21-39) with the Diverse Housing Working Group, c/o St. Alban’s Church for funding support for the Free Laundry Program administered by the Diverse Housing Working Group

**7-11.** UC Village Rent Increase and Pandemic Measures

Council Member Tiedemann recommendation: that the Council approve the letter opposing the proposed rent increase for UC Village tenants and requesting the University explore all options to forgive unpaid rent



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### **7-12.** Holiday Change of Name from Columbus Day to Indigenous People's Day

Mayor Gary recommendation: that the City of Albany permanently refer to the holiday formerly known as Columbus Day as Indigenous People's Day

### **7-13.** Juneteenth Holiday

Mayor Gary recommendation: that the Council recognize, and incorporate Juneteenth as a City paid holiday for all City employees

### **7-14.** Proclamation – Bay Area John Lewis Voting Rights Advancement Day of Action

Mayor Gary recommendation: that the Council declare May 8, 2021 as the Bay Area John Lewis Voting Rights Advancement Day of Action

### **7-15.** Appointments to the Community Task Force on Policing

Staff recommendation: that the Council ratify the appointments to the Community Task Force on Policing as recommended by the subcommittee to review applications

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Council Members Nason and McQuaid requested removal of Items 7-10, 7-11, 7-12, and 7-13. Vice Mayor Jordan requested removal of Items 7-1 and 7-6. Members of the public requested removal of Items 7-10, 7-12, 7-13, and 7-15.

Item 7-1: Vice Mayor Jordan requested staff check accuracy of the minutes on Community Development Director Bond's statement on Item 9-2 regarding placing financial responsibility on the City.

Item 7-6: Vice Mayor Jordan noted the City Manager's announcement that the Police Department received a Gold Award, which indicates our Police Department personnel pays attention to new policies and a good sign of our Police Department culture.

Item 7-10: Council Member Nason is concerned with the indemnification clause of the agreement. City Attorney Subramanian reported the indemnification provision would require St. Alban's to indemnify the City should the City be sued over the agreement or an event related to the agreement. The language is standard for a contract, and the City's risk authority recommended it. The parties to the contract are the City and St. Alban's. City Manager Almaguer added that the City Clerk's Office sent the proposed agreement to the parties who requested a copy, and she has not received any revisions from the parties.

Item 7-11: Council Member Tiedemann reported UC Village residents and the residents association have indicated to him that the University of California has used tactics that



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make them feel intimidated. The letter is intended to provide and support students' concerns and viewpoint and to apply pressure to UC.

Item 7-12: Council Member Nason reported she will present a proclamation for Italian American Heritage Month in October.

Item 7-13: Council Member Nason expressed concern that employees would not focus on the meaning of Juneteenth if given a day off and preferred to substitute a Juneteenth holiday for two half-day holidays at Christmas and New Year's.

A summary of public comment is as follows: St. Alban's does not feel it can sign the agreement because of the indemnity provision and will seek the Diocese's advice; students living in UC Village do not have a good relationship with the University right now and need help; about one-third of participants live in UC Village; the Free Laundry Program is open to everyone; support for the City funding the Free Laundry Program; support for sending the letter to UC; support for changing the name of Columbus Day; an accurate history of the land needs to be acknowledged; support for recognizing and promoting a Juneteenth holiday; a suggestion for the Council to advocate for the state naming Juneteenth as a holiday; a Juneteenth holiday could attract African Americans to work for the City; the City needs to demonstrate its support for inclusion and equity; Juneteenth should be a paid holiday for City employees; removing Mr. Pinguelo from being on Community Task Force on Policing because he is a member of the Social & Economic Justice Commission (SEJC) is not fair.

A summary of Council comment is as follows: concern about the City providing free laundry services to students living in UC Village; a suggestion to revise the letter to request UC cease activities that may cause students to feel intimidated; a suggestion to include language about the City's willingness to work with UC; a preference to have more conversations before sending the letter; perhaps the Council needs to advocate with the County to include UC students in rent relief programs; agreement with concerns about the financial impact of a Juneteenth holiday on the City and about a focus on the meaning of Juneteenth; Juneteenth is a celebration of freedom just as the 4<sup>th</sup> of July is; a suggestion to proclaim Juneteenth as an unpaid municipal holiday and to direct the City Manager to meet and confer with labor groups about substituting a paid Juneteenth holiday for an existing paid holiday or two paid half-day holidays.

Mayor Gary announced Item 7-10 is continued so that St. Alban's can perform its due diligence.

### **MOTION:**

Moved by Council Member Nason, seconded by Council Member Tiedemann, to approve the consent calendar with the amendments to Items 7-1, 7-11, 7-12, and 7-13 and with the exception of Item 7-10.

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



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NOES: None

Motion carried and so ordered.

### 8. PRESENTATION

#### 8-1. Review of Advisory Body Work Plans

Staff recommendation: that the Council:

1. Receive presentations regarding the work plans developed by the Arts Committee and the Parks, Recreation & Open Space Commission
2. Provide any comments or direction regarding the proposed work plans
3. Approve work plans for implementation by the Advisory Bodies

City Clerk Anne Hsu presented the staff report. The Chairs of the Arts Committee (AC) and the Parks, Recreation & Open Space Commission (PROSC) will present their proposed work plans. Staff recommends the Council review the work plans, provide comments and/or directions, and approve the work plans.

Aaron Gach, Arts Committee Chair, reviewed proposals for public art, seasonal haiku, collaboration with the Economic Development Committee, the Albany Community Center foyer gallery, Albany Poet Laureate, art in public places ordinance, citywide arts promotion, and municipal art participants.

A summary of public comment is as follows: a suggestion to include indigenous peoples in the description of public art project in support of Black Lives Matter and social justice; a suggestion for artwork that is to be placed on the Ohlone Greenway to pertain to the Ohlone culture.

A summary of Council comment is as follows: a suggestion for the AC to reduce the number of items and prioritize items; support for community involvement in a socially engaged art project; suggestions to highlight the Black Lives Matter artwork at the Bulb and contact El Cerrito about utility boxes; the current and former City Attorneys have reviewed the public art ordinance; concern about the impact of an intern on City finances; funding sources may be available for performance art in the future; the Council can amend work plans after approving them; desire for Council to adopt a policy to include prioritization of the work plan and set a new format for work plans.

City Attorney Subramanian advised that amending the public art ordinance to utilize impact fees for performance art is not possible.

#### **MOTION:**

Moved by Council Member Nason, seconded by Mayor Gary, to approve the 2021-2023 Work Plan for the Arts Committee.

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

NOES: Vice Mayor Jordan



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Motion carried and so ordered.

Bryan Marten, Parks, Recreation & Open Space Commission Chair, shared the PROSC's 2019-2021 activities regarding street trees, Albany Hill, Memorial Park, dog parks, pickleball courts, vegetation management, and the upcoming master plan. Proposed initiatives relate to the Parks, Recreation & Open Space Master Plan, Proposition 68 funding, collaboration with nonprofit organizations, maintenance activities, Measure M funding, and AB 2404. A suggestion to include input from the public and indigenous people on interpretive park signage (work plan item 3) can be a great opportunity to potentially include the original occupants and their history.

A summary of public comment is as follows: pickleball courts should be a priority in fiscal year 2022 rather than included in the master plan; hopes that the City and Sogorea Té can collaborate; the PROSC should collaborate with Sogorea Té on projects and programming.

A summary of Council comment is as follows: a suggestion to include play structures for children of all abilities and a skate park; the number of items probably exceeds capacity; perhaps a joint meeting of the Transportation Commission, PROSC, and Climate Action Committee can discuss increasing the size and number of trees to create a tree canopy that positively impacts climate change; the work plan seems to reflect routine items rather than initiatives; support for the PROSC to collaborate with Sogorea Té to incorporate in the work plan.

### **MOTION:**

Moved by Council Member Nason, seconded by Mayor Gary, to approve the 2021-2023 Work Plan for the Parks, Recreation & Open Space Commission and to include the Sogorea Té Land Trust as a nonprofit organization that the PROSC will reach out to.

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

NOES: Vice Mayor Jordan

Motion carried and so ordered.

### **8-2. Quarterly Financial Update**

Staff recommendation: Report is for informational purposes only

Finance Director Heather Rowden presented the staff report. The City is operating at a deficit; however, a number of transfers will be processed at the end of the fiscal year. Staff anticipates ending the year in a neutral position due to Police Department vacancies. Expenses for most departments are tracking with the budget. Risk management is higher than budget, but few expenses are anticipated prior to the end of the fiscal year. Actual revenues and expenses are meeting projections except COVID-19 expenses, which should be reimbursed. Public Works' expenses are currently less than budgeted. Because Public Works budgets for emergencies, it should end the year close to the



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budgeted amount or below budget if there are no emergencies. The City needs to begin planning for large expenditures.

**MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to extend the meeting to 10:45 p.m.

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

NOES: None

Motion carried and so ordered.

**9. PUBLIC HEARING**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

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

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

Council Member Nason reported she attended an East Bay Sports Field Recreational Authority JPA meeting, the East Bay Regional Park District's park advisory committee meeting and environmental roundtable, many informational virtual meetings, the Alameda County Transportation Commission (ACTC) meeting, the State Resources Agency's regional workshop, and a homelessness discussion. The City of Berkeley has requested cities' comments regarding construction of pickleball courts in the undeveloped portion of





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the Tom Bates Regional Sports Complex. An extensive tree die-off occurred quickly on East Bay Regional Park District land. Council Member Nason encouraged community members to view the Love the Bulb exhibit.

Council Member Tiedemann reported he will meet with UC Berkeley staff and attended an East Bay Community Energy (EBCE) Board meeting.

Council Member McQuaid reported she attended many webinars and two ribbon-cutting ceremonies.

Vice Mayor Jordan reported he attended a StopWaste Board meeting. StopWaste will not increase fees and has hired Timothy Burroughs as Executive Director.

Mayor Gary reported she attended the Police & Fire Pension Board meeting.

### 13. FUTURE AGENDA ITEMS

Council Member Nason reported she is preparing an item for Albany Waterfront Park.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

**14-1.** Upcoming City Events – please check on City website [www.albanyca.org](http://www.albanyca.org) under City Calendar web page for up-to-date information

**14-2.** Upcoming City Meetings

- A. Social & Economic Justice Commission Meeting, Tuesday, May 4, 7:00 PM, Virtual Meeting via phone/video conferencing
- B. Financial Advisory Committee Meeting, Wednesday, May 5, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Economic Development Committee Meeting, Thursday, May 6, 5:00 PM, Virtual Meeting via phone/video conferencing
- D. Arts Committee Meeting, Monday, May 10, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Planning & Zoning Commission Meeting, Wednesday, May 12, 7:00 PM, Virtual Meeting via phone/video conferencing
- F. Parks, Recreation & Open Space Commission Meeting, May 13, 7:00 PM, Virtual Meeting via phone/video conferencing



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G. City Council Meeting, Monday, May 17, 7:00 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

Mayor Gary recognized Teacher Appreciation Week.

10:39 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

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Ge'Nell Gary  
Mayor

Attest:

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Anne Hsu, City Clerk