



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, July 19, 2021

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### **SPECIAL MEETING: 5:00 PM**

#### **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**

### **SPECIAL MEETING 6:00 PM**

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

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

Absent: None

#### **2. STUDY SESSION**

2-1. Seismic Safety Soft Story Retrofit Program

Staff recommendation: that the Council direct staff to develop an ordinance and implementation program for a mandatory soft story retrofit program that includes all residential buildings with 3 or more units

Community Development Intern Michelle Plouse presented the staff report. Earthquake is the main risk factor for building collapse in Albany. Soft-story multifamily wood-frame buildings are most vulnerable to earthquake. Retrofit programs are underway for single-family homes with cripple walls and unreinforced masonry. In 2019, the Council discussed and expressed interest in a possible retrofit ordinance, and a consultant was hired in 2020 to assist in developing a program.

David Bonowitz, consultant structural engineer, reported the earthquakes in 1989 and 1994 revealed the dangers of soft story buildings. Mitigation programs provide a range of actions that may be voluntary or mandatory. Programs in the Bay Area typically focus on multifamily rental buildings with five or more units and a wood-frame target story (WFTS). Buildings lacking a target story or wood frame would not be included in a mitigation program. There are 35 to 53 buildings in Albany that have a WFTS. Including thee- and four-unit buildings doubles the number of buildings with a WFTS. Typical retrofit approaches are to add wood sheathing to existing stud walls or a steel frame or column at a front opening. Developing a mitigation program has six phases: inventory, planning,



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engineering, financing, legislation, and implementation. The City of Albany has completed the first three phases. The average cost of retrofit work is \$50,000 to \$100,000.

Community Development Director Jeff Bond advised that policy considerations include types of buildings, a timeline, reasonable project costs, disturbances and temporary displacement, and rent increases.

A summary of Council comment is as follows: support for including buildings with three or more units; a suggestion to offer incentives for retrofit projects; retrofit projects benefit property owners and the City as a whole; funding programs are available for property owners; the Council may want to consider options other than a bond to provide funding for retrofit projects; implementing a retrofit program in phases based on the type of building may be useful; eventually all residences should be required to retrofit; eight buildings with unreinforced masonry have not been retrofitted.

### 3. ADJOURNMENT OF SPECIAL MEETING

Mayor Gary adjourned the special meeting at 7:03 PM.

### 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 reported no reportable action from the closed session.

#### 4. CEREMONIAL MATTERS

#### 5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the County has issued guidance for wearing masks indoors. Residents may schedule an appointment with City staff through the City website for services. A survey regarding City communications is available online and in-person. National Night Out is August 3, 2021, and residents can register for block parties on the City website.

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

Mayor Gary opened the Good of the City.



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A summary of public comment is as follows: concerns about the Sip Shop and Celebrate event on July 25; suggestions for public comment regarding the City Manager's Report, student recitations regarding their cultural identity during Council meetings, and the use of they/their for he/she in the City's e-news; a suggestion for study sessions to begin at 7 p.m. to encourage public participation; encouragement for the Council to consider all residential properties for retrofit requirements; and the Sip Shop and Celebrate event is family friendly.

### 7. CONSENT CALENDAR

#### 7-1. Minutes: July 6, 2021

Staff recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 7/2/21, Net Amount: \$320,004.89, Withholding, Deductions: \$325,407.60, Gross Payroll: \$645,412.49

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 \$91,457.59 (7/2/21), \$212,879.34 (7/9/21)

Staff recommendation: Ratify

#### 7-4. Purchase of New Fire Apparatus

Staff recommendation: that the Council adopt Resolution No. 2021-76, authorizing the City Manager to execute an agreement to purchase a Pierce Quantum Fire Engine and equipment in the amount not to exceed \$864,458.11

#### 7-5. Extend Agreement with NBS for Assessment District Engineering and Finance & Property Tax and Fee Administration Services

Staff recommendation: that the Council adopt Resolution No. 2021-77, authorizing a two-year extension to an existing agreement with NBS to provide Assessment District Engineering and Parcel Tax and Fee Administration Services for two years

#### 7-6. Call for Bids for 2021 Sanitary Sewer Rehabilitation Project – Various Locations (Contract No. C21-57, CIP No. 32000)

Staff recommendation: that the Council adopt Resolution No. 2021-78, authorizing the City Manager to approve a Call for Bids for the 2021 Sanitary Sewer Rehabilitation Project – Various Locations, (Contract No. C21-57), using funds previously appropriated as part of the Annual Sewer Rehabilitation Program (CIP No. 32000)





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**7-7.** 2020 Sanitary Sewer Rehabilitation Project – Phase C – Approval of Contract Change Order No. 1 to Contract No. C21-22 (CIP No. 32000)

Staff recommendation: that the Council adopt Resolution No. 2021-79, authorizing the City Manager to execute Contract Change Order No. 1 to Contract No. C21-22 with Bay Pacific in the not-to-exceed amount of \$79,000.00 using funds previously appropriated as part of the City's Annual Sewer Rehabilitation Program (CIP No. 32000)

**7-8.** CIP No. 51009: Fire Station Rollup Door Replacement

Staff recommendation: that the Council adopt Resolution No. 2021-80, establishing a capital improvement project to replace the rollup doors at the Fire Station and appropriate \$70,000 from the City's Building Reserve Fund (Fund 2007) for the project

**7-9.** Contract Amendment with Berkeley Food and Housing Project (BFHP) for Albany Project HOPE – Housing Opportunities Expanded

Staff recommendation: that the Council adopt Resolution No. 2021-81, authorizing an amendment to increase Contract No. C20-60 with Berkeley Food & Housing Project by an additional amount of \$285,000 for the continued provision of services for Albany Project HOPE – Housing Opportunities Expanded, the City's homeless outreach, engagement and housing navigation program

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Council Member Nason removed Item 7-9, and Vice Mayor Jordan removed Items 7-4 and 7-9. Mayor Gary removed Item 7-5. Members of the public removed Items 7-4, 7-6, and 7-8.

Item 7-4: City Manager Almaguer reported the equipment reserve fund is usually the source of funding. An annual analysis will determine the source when the final lease amount is known. Interim Fire Chief Jim Boito added that \$200,000 is budgeted for the apparatus, and the penalty for not leasing the apparatus after signing the lease agreement is 10%.

Item 7-5: City Manager Almaguer advised that staff can explore issuing a Request for Proposals (RFP), but the current contractor provides a unique service.

Item 7-6: City Attorney Subramanian indicated exceptions to the bid process are provided to Charter cities; however, the City Charter and Proposition 209 contain requirements for accepting bids.

Item 7-9: Assistant City Manager Isabelle Leduc reported a good portion of the expense is included in the budget under the Recreation Department, Neighborhood Services section. The \$360,000 contract amount is comprised of \$242,000 for personnel and





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operating expenses, \$43,000 for the residential lease, \$26,000 to restore subsidies for prevention, \$3,850 for flex funding, and \$45,150 for rapid rehousing. The additional expense is comprised of \$39,205 for 0.6 full-time equivalent (FTE) for a Housing Navigator and approximately \$43,000 for the residential lease. Expenses during the first year of the contract exceeded the budget amount, and additional funding is needed to fund the second year of the contract.

A summary of public comment is as follows: University of California-Berkeley should pay for the fire apparatus; a suggestion for the City to promote RFPs to businesses owned by indigenous people and people of color; functioning doors are important for Fire Department response times; thanks for housing another homeless person; a suggestion to find temporary housing that is less expensive than a hotel.

A summary of Council comment is as follows: the City needs long-range financial planning; a request for expenses to be incorporated more clearly in the budget and financial reporting.

### **MOTION:**

Moved by Council Member McQuaid, seconded by Council Member Nason, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.

## **8. PRESENTATION**

### **8-1. Review of Advisory Body Work Plan**

Staff recommendation: that the Council:

1. Receive presentations regarding the work plan developed by the Social & Economic Justice Commission (SEJC)
2. Provide any comments or direction regarding the proposed work plan
3. Approve work plan for implementation by the Advisory Body

City Clerk Anne Hsu presented the staff report. The Social & Economic Justice Commission (SEJC) will present its proposed work plan for 2021-2023 in the newly approved format. Additional Advisory Bodies will present their proposed work plans over the next few Council meetings.

SEJC Chair Cory Dostie reported recurring items include expenditure of Sugar-Sweetened Beverage Tax revenues, progress towards Housing Element goals, review of multifamily housing proposals, updates regarding the Rent Review Program, Albany CARES, and Project HOPE, and tax exemptions. Continuing items are an update of the aging in place strategic plan, diversity report card, inclusivity survey, and implementation of the Racial Equity Impact Plan. New items include engaging youth in civic activities, a



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relationship with the Lisjan/Ohlone Tribe, mental health services, housing issues, anti-racism, social justice and diversity, and economic justice.

A summary of public comment is as follows: hopefully, the Council will quickly approve potential future changes to the work plan; the SEJC does not intend to hold formal hearings for multifamily housing projects; new items are all related to social justice; support for the proposed work plan; and SEJC needs to review affordable housing projects.

A summary of Council comment is as follows: the charge of the SEJC needs to be clarified; the work plan should be reduced; a preference for the SEJC to reduce the number of items, items need more detail; a suggestion for a maximum of 15 items on the work plan; and a suggestion to remove diversity, equity, and inclusion from the work plan.

Council provided direction to the SEJC to modify the work plan and return to Council with a work plan that includes up to 15 work plan items with some flexibility for very important items.

### **9. PUBLIC HEARING**

### **10. UNFINISHED BUSINESS**

#### **10-1. City Council Strategic Plan Update**

Staff recommendation: that the Council continue the update to the City Council Strategic Plan

City Manager Almaguer presented the staff report. The Council has completed review of Goals 1 and 2.

A summary of Council comment is as follows: a suggestion for only two items, complete the Parks, Recreation, and Open Space Master Plan and update the Strategic Plan with items from the Master Plan, under Goal 3; items not covered in the Master Plan, such as Albany Waterfront Park, Caltrans right-of-way, and Key Route median, may need to be included as items; proposals to revise the item regarding maintenance projects on creeks to "continue implementation of the annual meeting regarding expenditure of the maintenance fund as required in the Memorandum of Understanding (MOU);" a suggestion to add "with a focus on business retention and recruitment with a particular emphasis on Black, Indigenous, People of Color (BIPOC) and women-owned businesses" to Goal 4 Objective 1; suggestions to add items for consider reforming business license taxes to support business diversity and evaluate a cannabis dispensary.

A summary of public comment is as follows: benches with arms are hostile to homeless people; signage should acknowledge Ohlone lands; opposition to allowing cannabis dispensaries.



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A summary of additional Council comment is as follows: a suggestion for a new item of "implement a vacancy maintenance plan holding property owners accountable/consider a vacancy tax;" revise Goal 5 Objective 1 Item 1 to "assure the production of comprehensive annual financial reports;" a proposal to combine Goal 5 Objective 1 Items 2 and 5; a suggestion to add an item to align the number of rented residence licenses with the number of rented residences contained in the Census.

The Council reached consensus to delete items pertaining to the following topics:

Goal 3: Council subcommittee, turf/grass fields, benches, Measure R, the Caltrans right-of-way, master plan funding, review of memorials and honors, and Veterans Building retrofit funding;

Goal 4: Economic Development Strategic Plan, other strategies for encouraging growth of businesses, maintenance of news racks, sign ordinance, and maintenance of business districts; and

Goal 5: transition to Committee on Budget and Finance, timely City Manager response, communication strategies, funding mechanisms, and municipal electronic billboard.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Mayor Gary, to remove Goal 5, Objective 1, Item 4.

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

NOES: Council Members McQuaid and Tiedemann

Motion carried and so ordered.

### **10-2. Continued Discussion and Potential Action Regarding an Approach to Engaging with the University of California on the Proposed Albany Village Graduate Student Housing Project**

Staff recommendation: that the Council confirm preferred approach and next steps towards advancing the City's interests associated with the proposed project

Community Development Director Bond presented the staff report. The Council has discussed this item twice previously. Staff recommends the Council accept invitations to meet with University of California-Berkeley (UC-Berkeley) administrators as meetings would likely be more productive than a brief presentation to the University of California Board of Regents.

A summary of public comment is as follows: Carpenters Local 713 hopes the graduate housing project will benefit all members of the community; concerns about construction impacts on the environment; concern about the impacts of construction on the creek and trees; encouragement for the Council to address the Board of Regents; concern about construction impacts on the creek and Monarch butterflies; a request for the definition of affordable housing for the project.





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A summary of Council comment is as follows: the purpose of a meeting is to discuss the availability of funding from the Chancellor's Community Partnership Fund for the City of Albany; the Council may meet with administrators and address the Board of Regents; opposition to Mayor Gary addressing the Board of Regents; a preference to foster a relationship with UC-Berkeley administrators; a proposal to address the Board of Regents with environmental concerns and the impacts of UC-Berkeley housing on City services; support for meeting with administrators rather than addressing the Board of Regents; UC-Berkeley staff seemed to suggest that administrators are willing to meet with City officials because of the Board of Regents meeting; the Board of Regents meeting is a unique opportunity to contrast UC-Berkeley's treatment of Berkeley and Albany.

Community Development Director Bond offered to prepare a comprehensive set of talking points for Council Members to utilize in their meetings with UC-Berkeley staff and administrators.

### **MOTION:**

Moved by Mayor Gary, 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.

## **11. NEW BUSINESS**

### **11-1. Request for Proposals for Organics, Recycling, and Solid Waste Collection Services**

Staff recommendation: That the Council adopt Resolution No. 2021-83:

1. Authorizing the release of a Request for Proposals (RFP) for organics, recyclables, and solid waste collection services; and
2. Adopting an RFP Process Communications Protocol

Sustainability Coordinator Lizzie Carrade presented the staff report. The City's waste collection agreement with Waste Management of Alameda County expires on March 31, 2023. The agreement may be extended once for a period of five years. The City seeks a new agreement that includes a high level of customer service, maximum diversion of organic and recyclable materials, compliance with SB 1383, public outreach and education, and measures that align with City priorities. Once an RFP is released, staff will work with HF&H Consultants to identify competitive proposals and negotiate a new agreement. The RFP Communications Protocol designates City staff and HF&H Consultants as the point persons for communications with RFP respondents.

A summary of Council comment is as follows: a suggestion to base the senior discount on a means test.



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### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Nason, to adopt Resolution No. 2021-83, authorizing the release of a Request for Proposals for organics, recyclables, and solid waste collection services and adopting an RFP Communications Protocol.

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

NOES: None

Motion carried and so ordered.

### **11-2. Encroachment Permit and Fee Waiver for Use of Street Parking Spaces on Solano Avenue and Street Closure on Masonic Avenue for a Modified 2021 Solano Stroll**

Staff recommendation: that the Council:

1. In-Street Installations. Authorize staff to issue an Encroachment Permit to the Solano Avenue Association for the management of in-street installations;
2. Street Closure. Authorize staff to issue a street closure permit for Masonic north of Solano Avenue up to 846 Masonic;
3. Permit Fees. Waive encroachment permit fees; and
4. City Fees. Waive fees for cost of public safety personnel and city maintenance services.

Community Development Director Bond presented the staff report. For many years, the Solano Avenue Association has hosted the Solano Stroll on the second Sunday in September. Public health protocols caused the cancellation of the 2020 Solano Stroll and modification of the 2021 Stroll, which is named A Sidewalk A-Faire. The primary modification is Solano Avenue will remain open during the event. Individual businesses may request encroachment permits to utilize parking spaces in front of their businesses for booths and tables. Coordination with the City of Berkeley is necessary for public safety resources.

A summary of public comment is as follows: the event on Sunday is a test run; event rules require a 48-inch clearance for travel; very few outside vendors are interested in a modified Stroll; marketing for the event has been limited to regional outlets.

A summary of Council comment is as follows: a suggestion to require a clearance greater than 4 feet.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Mayor Gary, to (1) authorize staff to issue an Encroachment Permit to the Solano Avenue Association for the management of in-street installations and a street closure permit for Masonic north of Solano Avenue up to 846 Masonic; and (2) waive encroachment permit fees and fees for the cost of public safety personnel and City maintenance services.

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



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NOES: None  
Motion carried and so ordered.

### 11-3. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference

Staff recommendation: that the Council designate a voting delegate and alternates for the League of California Cities Annual Business Meeting

City Clerk Hsu presented the staff report. The Council may designate one voting delegate and a maximum of two alternate delegates for the meeting in September.

**MOTION:**

Moved by Council Member Nason, seconded by Vice Mayor Jordan, to designate Council Member McQuaid as the City's voting delegate, Mayor Gary as first alternate, and Council Member Tiedemann as second alternate.

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

NOES: None  
Motion carried and so ordered.

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

City Council Appointed Representation 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)	(vacant)	N/A

Council Member McQuaid reported she attended the Alameda County Transportation Commission (ACTC) planning, policy and legislation committee meeting, where she learned about AC Transit's plans to restore service; the Housing Authority of Alameda





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County meeting, where she was elected Chair of the Housing Commission and scholarships were awarded to 17 applicants; an Albany Hill fire patrol; and a ride-along with the Police Department.

Vice Mayor Jordan reported he attended an Alameda County Mosquito Abatement District meeting, where he learned about methods used to control mosquitos.

Mayor Gary reported she attended the Mayors' Conference.

### 13. FUTURE AGENDA ITEMS

None

### 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. Community Task Force on Policing Meeting, Tuesday, July 20, 7:00 PM, Virtual Meeting via phone/video conferencing
- B. Climate Action Committee Meeting, Wednesday, July 21, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Transportation Commission Meeting, Thursday, July 22, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Police and Fire Pension Board Meeting, Tuesday, July 27, 4:30 PM, Virtual Meeting via phone/video conferencing
- E. Planning & Zoning Commission Meeting, Wednesday, July 28, 7:00 PM, Virtual Meeting via phone/video conferencing
- F. Financial Advisory Committee Special Meeting, Thursday, July 29, 7:00 PM, Virtual Meeting via phone/video conferencing
- G. Social & Economic Justice Commission Meeting, Wednesday, September 1, 7:00 PM, Virtual Meeting via phone/video conferencing
- H. Economic Development Committee Meeting, Thursday, September 2, 7:00 PM, Virtual Meeting via phone/video conferencing
- I. City Council Meeting, Tuesday, September 7, 7:00 PM, Virtual Meeting via phone/video conferencing (Labor Day on Monday, September 6)



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### 15. ADJOURNMENT

10:54 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in blue ink, appearing to read "Ge'Nell Gary", written over a horizontal line.

Ge'Nell Gary, MBA  
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Hsu", written over a horizontal line.

Anne Hsu, City Clerk