



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, November 1, 2021

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### **SPECIAL MEETING – CLOSED SESSION 6:00 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) (2 cases)

#### **3. ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION**

### **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 that there was no reportable action from the closed session.

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

#### **5. CITY MANAGER REPORT**

City is endeavoring using a variety of languages on some City key materials that are sent out to the community on important City topics to help engage with community members that prefer material translated to their language. The new free City Street Tree Program initiated by Vice Mayor Jordan with Council action which allows individual homeowners to receive a free street tree; residents are encouraged to visit [albanyca.org](http://albanyca.org) or City offices to apply. Public Works has done incredible work during the extensive rainstorm; in addition to storm drain cleaning, they responded to local flooding and coordinated with Albany Police and the City Arborist to ensure various safety initiatives. Sandbags and mulch are available to community members at Ocean View Park; anyone needing assistance may contact the Neighborhood Services Department at (510) 524-9122. The Albany Police Department participated in their annual glow stick giveaway for Halloween to ensure safety and fun for kids. The County Public Health released the ease of masking requirements for fully vaccinated individuals in certain settings; information is available



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on the Alameda Public Health website. Masking is still required at City facilities. Albany electricity accounts will transition to one hundred percent renewable energy in January 2022, and residents will see a relative price increase

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

Mayor Gary opened the Good of the City.

A summary of public comment is as follows: Concern about the police department handing out glow sticks on Halloween and community safety.

Mayor Gary indicated that the Albany Police Department provided glow sticks to help prevent injury to the children of Albany.

### **7. CONSENT CALENDAR**

#### **7-1. Minutes – October 18, 2021**

Staff recommendation: Approve

#### **7-2. Ratification of Payroll – Date Paid 10/22/2021: Net Amount \$387,414.55, Taxes/Benefits/Deductions \$373,217.09, Total Payroll \$760,631.64**

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 \$88,709.33 (10/15/2021), \$88,920.88 (10/22/2021)**

Staff recommendation: Ratify

#### **7-4. Proclamation – United Against Hate Week**

Council Member McQuaid recommendation: that the Council approve the proclamation in recognition of United Against Hate Week, November 14 – November 20, 2021

#### **7-5. Advisory Body Resignation – Amy Smolens appointed by Council Member Nason resigned from Economic Development Committee**

Staff recommendation: informational only

#### **7-6. Appointing City Council Member's Emergency Standby Officers and Amending City Council Procedures & Policies for the Appointments by Council Resolution**



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Staff recommendation: that City Council adopt Resolution No. 2021-108:

1. Appointing the positions listed below as each Council Member's standby officers to serve in their place in the event of an emergency in accordance with California Government Code Sections 8635 - 8644 in the following order:
  - No. 1 – Each Council Member's Planning & Zoning Commission appointee
  - No. 2 – Each Council Member's Transportation Commission appointee
  - No. 3 – Each Council Member's Parks, Recreation & Open Space Commission appointee
2. Amending Section C of the Administrative Policies within the City Council Procedures & Policies to designate City Council Members' emergency standby officers

Mayor Gary asked if anyone wished to remove items from the consent calendar.

A summary of public comment is as follows: questions about ratified payroll allocation, the meaning of United Against Hate Week, Advisory Body position availability, and City Council Member's Emergency Standby Officers selection process.

Council Member McQuaid advised that United Against Hate Week began in the immediate Bay Area and each year, one week is dedicated to promoting inclusivity and stand against hate and bigotry.

Vice Mayor Jordan noted that the Planning & Zoning Commissioner was nominated by each Council Member, which is unique among the advisory bodies. The Planning & Zoning Commission is a quasi-judicial body accustomed to making decisions that are of a complex nature. In addition, the Planning & Zoning Commission has familiarity with the physical configuration of the City. The Transportation Commissioner was chosen as the next alternate, by reason of the Commission's familiarity with safety and the City's physical layout, the Parks, Recreation & Open Space Commissioner makes binding decisions on physical aspects to the City.

**MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, 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



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

Staff recommendation: that the Council:

1. Receive presentation regarding the work plan developed by the Social & Economic Justice Commission
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. Staff recommends the Council review the work plan, provide direction and comments, and approve the work plan.

KZ Zapata, Social & Economic Justice Commission (SEJC) Chair, reported the theme for the fiscal year 2021-2023 work plan is advancing racial equity and social justice in Albany. She presented the proposed recurring and one-time actions.

A summary of public comment is as follows: appreciation for the work plan, including the proposed homelessness, mental health, and youth work plan items.

A summary of Council comment is as follows: a suggestion for a distinction between SEJC recommendations to Council and activist organization plans; a suggestion to prioritize crisis response; a suggestion to support existing organizations working with the youth; Council has approved the report from Nicole Anderson & Associates; there is already a Council Subcommittee working with the Lisjan; Albany Cares, Berkeley Student Housing, and Rent Review are established City programs and the reports are the responsibility of the Council; support for the Aging in Place Program, and a suggestion to include people with disabilities.

#### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to approve the Social & Economic Justice Commission work plan as presented.

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

NOES: Council Member McQuaid

Motion carried and so ordered.

### 9. PUBLIC HEARING

### 10. UNFINISHED BUSINESS

- 10-1. Proposed Use of American Rescue Plan Act (ARPA) funds for Temporary COVID Public Assistance Program



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Staff recommendation: that the Council adopt Resolution No. 2021-109, appropriating \$1,125,000 in ARPA funds for the proposed Temporary COVID Public Assistance Program

Finance Director Heather Rowden presented the staff report. The American Rescue Plan Act (ARPA) funds from the Federal Government help address economic and pandemic aspects of the Coronavirus. Funds of \$2,350,000 have been received and ARPA will be allocated just over \$4,700,000 in total, receiving the second half in a year. Staff has provided a follow-up to the Council's September 20, 2021 discussion regarding potential opportunities to develop funding support programs for residents of Albany.

Assistant City Manager Isabelle Leduc advised that the assistance program and hiring a temporary City staff member will connect residents in need, with existing programs and fund additional services to assist Albany residents affected by the COVID-19 pandemic. Staff is requesting a temporary COVID-19 Community Engagement Specialist for a two-year period, with the option to extend funding if funding is available; this position will work as a member of the Albany CARES team for increased assistance and referral capacity of the program and connect residents with existing programs at the federal, state, and county level.

The City will utilize ARPA funds to retain the services of Eden Council for Hope and Opportunity (ECHO Housing) to provide Emergency Rental Assistance to assist income eligible renters impacted by COVID-19 with delinquent rent or utilities; maximum monthly rental grant amount for each household will be \$3,500 per month, with a maximum grant amount per household of \$21,000. The Albany Project HOPE Expansion proposal expands Albany Project HOPE the City's outreach, engagement, case management and housing services program for individuals experiencing homelessness, by augmenting the current Berkeley Food and Housing Project (BFHP) contract which includes additional funding to secure a temporary housing resource. ARPA funding will extend the Brown Bag Distribution Program to provide one bag of groceries per month to households who experienced a loss of income related to the pandemic and whose income qualifies; this program will be implemented by City staff with assistance from the COVID-19 Community Engagement Specialist, Senior Center staff, and volunteers. The Friendship Club Scholarship Program provides financial subsidies for one school year to families based on extremely low, very low, and low income.

Finance Director Heather Rowden advised that the proposed items are temporary items specifically related to ARPA funds, and staff will meet with Council in the future for additional funds if it is determined that the programs are providing adequate assistance, and there is still a need.

City Manager Almaguer explained that staff intends to utilize the funds as much as possible, with existing third-party organizations already in Albany, and engaged with community members who have sought assistance, and will then expand as needed.



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A summary of public comment is as follows: a suggestion for the City to start an Albany Food and Housing Program in association with the Alameda Food Bank; questions about a renter's coalition in Albany, nutritional considerations for Brown Bag Distribution Program meals, application provisions for individuals lacking accessibility to the internet, and whether the City will assist with the proof of identification requirement.

A summary of Council comment is as follows: support for Project HOPE and Friendship Club Scholarships for Childcare; a suggestion for further analysis regarding direct grants without conditions; concern about the transferring of funds to support loss of income with unspecified expenditures; support for allocation flexibility; concern about the risk of inflicting inadvertent financial strain to program applicants; a preference for a simple application without prolonged follow-up; Council may need more analysis on existing programs in larger surrounding cities with similar models.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Vice Mayor Jordan, to adopt Resolution No. 2021-109, with amendments to remove Rental Housing Assistance and decrease the proposed funds by \$225,000.

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

NOES: None

Motion carried and so ordered.

### **10-2. Outdoor Dining Guidelines Long Term Policy**

Staff recommendation: that the Council provide initial direction to staff regarding the interest in a longer term in-street outdoor dining program.

Planning Manager Anne Hersch presented the staff report. Staff provides an update on the status on in-street outdoor dining, and recommends the Council provide initial direction regarding the interest of a longer-term, post-pandemic in-street outdoor dining program.

Community Development Assistant Michelle Plouse advised that cities across the state are considering making in-street outdoor dining programs permanent. Cities of Berkeley and San Francisco have approved such programs while Cities of Alameda and San Diego have developed proposals. Permit fees for each program vary significantly. San Francisco and San Diego have detailed manuals with specific requirements and safety regulations and Alameda and Berkeley have relatively simple requirements outlined in available materials. She provided a suggested timeline of future program next steps.

A summary of public comment is as follows: Albany needs a city survey; a question regarding the Americans with Disabilities Act (ADA) parking availability; a suggestion to



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temporarily change the ninety minute parking along the adjacent streets at corners of Solano Avenue to fifteen minutes or transform the first parking space to designated as disabled parking; safety is one of the biggest concerns of the installations and structures on the street; concern about parking capacity; a suggestion for Albany business associations to support businesses by offering a holiday concierge to provide assistance to residents; a suggestion to examine public comments about revenue gained from dining and bicycle parking; outdoor dining has been a net-positive; there is no indication of a lack of parking; the City needs to provide money to assist businesses with ADA accessibility and safety issues; quality of life is improved with the parklets and walking/biking should be prioritized; surveys need options regarding different types of outdoor dining; support for the continuation of outdoor operation of businesses; a suggestion to utilize data on the safety of parklets for discussions; a suggestion for temporary railing.

A summary of Council comment is as follows: concern about improper heaters and perhaps electrical wires that could be dangerous; the removal of the two twenty-minute parking spaces at the post office has been impacting residents; adjusting the tables located at the restaurant on the corner of Stannage Avenue may assist with the blocked visibility of the road; concern regarding short-term parking; concern about standing water complications; support for the outdoor dining and the positive transformation it brings to Solano Avenue; necessary expenditures for safety items need to be considered; lighting and crossings along Solano Avenue continue to be inadequate; economic activity should not be suppressed at the expense of parking concerns; a suggestion for the resident business survey to include types of transportation demand measures that may be helpful; support for the program timeline presented; a suggestion to consider more inclusive messaging and standards; a suggestion to charge a fee for using a public space; concern about self-selection survey; concern about the pony wall obscuring sightlines, and a suggestion for Council to review sidewalk encroachments; concern regarding corner tables situated in a manner that hinders travel from one curb ramp to another.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Nason, for City Staff to pursue the process that is laid out to develop a program allowing businesses to garner encroachments for the long-term, and that City Staff also pursue the development for an encroachment process if needed, and/or pursue implementation of the process if they think it already exists regarding the use of sidewalk space on public property; and consider the suggestion to reduce sweeping hours, such that they end at 11:00 a.m. on side streets.

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

NOES: None

Motion carried and so ordered.



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### 10-3. Community Satisfaction & Racial Equity Survey Request for Proposals

Staff recommendation: that the Council authorize issuance of a Request for Proposals (RFP) for services to prepare and implement a community satisfaction & racial equity survey.

City Manager Almaguer presented the staff report. The item is a follow-up to staff reports that have been presented to Council on the subject. This report includes a draft Request for Proposals (RFP) for a survey encompassing elements of community satisfaction and racial equity. Provided in the draft for proposals, is an optional element as a result of the timeline and uncertainty thereof, and whether staff may need to utilize voter polling services that may overlap with engagement on the most competitive consultant response. The RFP includes the optional element with its own cost proposal, should there be an interest in polling the voters on ballot measures for the upcoming November 2022 election.

A summary of Council comment is as follows: concern regarding the survey timeline; appreciation to staff for the issuance of the RFP.

**MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to approve the issuance of the RFP as proposed and prepared by staff.

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

NOES: None

Motion carried and so ordered.

### 11. NEW BUSINESS

### 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	Jordan
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





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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 Tiedemann reported the Mayor and he (Sogorea Te' Land Trust Subcommittee) met with the Sogorea Te' representatives, where next steps are laid out and will return to Council with proposals of land acknowledgement, signage, payment, and the land tax for Albany.

Council Member Nason reported she attended meetings of the Alameda Transportation Commission (ACTC) and its Policy Committee. She advised that Supervisor Keith Carson and Executive Director of ACTC had a discussion regarding the Student Transit Pass Program and Albany's ineligibility to participate. The criteria established that the school involved be within a quarter mile of a transit stop and neither the high school nor middle school meet that specification. In addition, she learned about measures that ACTC pursues within Albany on safe routes to school.

Council Member McQuaid reported she attended a Pension Board meeting and two violence remembrances by the Alameda District Attorney's Office: child victims of violence and victims of domestic violence. In addition, League of California Cities (East Bay) met for the Everyone Home Leadership Board meeting.

Vice Mayor Jordan reported he attended a StopWaste meeting, during which he learned about Pacific Gas & Electric (PG&E) contracting the Energy Council staff to operate the mandatory Home Energy Score Program for three jurisdictions that are interested. Energy Council staff will reach out the cities that are interested. The information provided by Home Energy scores is shown to be translated into action for energy savings since the City of Berkeley adoption and the real estate market adoption as voluntary measures across the broader area.

Mayor Gary reported she attended a domestic violence remembrance for adults along with Councilmember McQuaid. Domestic violence rate has increased in the past year among women.

### 13. FUTURE AGENDA ITEMS

Vice Mayor Jordan indicated he will present an item for potentially authorizing staff to spend time on developing an existing building electrification pilot program with Energy Council staff. In addition, an item requiring home energy scores mandatory upon property sale.



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### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

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.

#### Upcoming City Meetings

1. Social & Economic Justice Commission Meeting, Tuesday, November 2, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Financial Advisory Committee Meeting, Wednesday, November 3, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Economic Development Committee Meeting, Thursday, November 4, 5:00 PM, Virtual Meeting via phone/video conferencing
4. Parks, Recreation & Open Space Commission Special Meeting, Thursday, November 4, 7:00 PM, Virtual Meeting via phone/video conferencing
5. Arts Committee Meeting, Monday, November 8, 7:00 PM, Virtual Meeting via phone/video conferencing
6. Planning & Zoning Commission Meeting, Wednesday, November 10, 7:00 PM, Virtual Meeting via phone/video conferencing
7. City Council Meeting, Monday, November 15, 7:30 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

9:53 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