



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, February 07, 2022

Date approved: February 22nd, 2022

SPECIAL MEETING – CLOSED SESSION 6:00 PM

1. CALL TO ORDER/ROLL CALL

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

2. CLOSED SESSION

2-1. Conference with Labor Negotiators pursuant to Government Code Section 59457.6

- Agency Designated Representatives: City Manager Nicole Almaguer, Finance & Administrative Services Director Heather Rowden, and Charles Sakai of Sloan Sakai Yeung & Wong LLP
- Employee Organization: Service Employees International Union (SEIU)

2-2. Conference with Legal Counsel – Anticipated Litigation
Government Code section 54956.9(d)(2) (2 cases)

No public comment received.

3. ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Council Member McQuaid read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

2. ROLL CALL

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

4-1. Proclamation – Black History Month

Mayor Gary presented the proclamation to Principal of Freeman Insurance Services Anthony Freeman.



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A summary of public comment is as follows: appreciation for Anthony Freeman's leadership.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the Codornices Creek webpage has been updated. A food assistance program for low-income residents is available at the Albany Senior Center. Contact Albany CARES to confirm eligibility and register. Reminder to business owners that business license renewal notices were mailed, and confirmation of payment is underway. The Alameda County Organics Reduction & Recycling Ordinance is now in effect, and information can be found at albanyca.org/recycle. Free indoor bins are available to qualifying Albany commercial and multi-family properties businesses, institutions, and multi-family residential properties. The Friendship Club will offer an all-day camp February 18-21, and more information is available on the City website. Recreation & Community Services Department began in-person programs. The Albany dog park is now open daily from 11:00 a.m. to 8:00 p.m. Albany Library and Albany FilmFest will present a free screening on the documentary Barbara Lee: Speaking Truth to Power on February 22, 2022.

A summary of public comment is as follows: a question on days and hours of operation for COVID-19 testing at the Albany Library.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: thanks to Council Member Gary for speaking about Codornices Village; educating the youth on local history is important; thanks to Albany both for updating the list of homeless services and for Lower Codornices Creek restoration efforts; Berkeley Food Pantry offers in-person and home delivery services to provide free groceries to Albany residents; encouragement for the City to repair streets; concerns regarding Pierce Street maintenance needs and increased crime.

7. CONSENT CALENDAR

7-1. Minutes – January 18, 2022

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 1/14/2022: Net Amount \$325,969.63, Taxes/Benefits/Deductions \$347,420.33, Total Payroll \$673,389.96; Date Paid 1/28/2022: Net Amount \$341,156.93, Taxes/Benefits/Deductions \$357,791.10, Total Payroll \$698,948.03

Staff recommendation: Ratify



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- 7-3.** Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$177,205.73 (1/14/2022), \$48,350.90 (1/21/2022), \$288,181.52 (1/28/2022)

Staff recommendation: Ratify

- 7-4.** Advisory Body Resignations:

- Cory Dostie appointed by Vice Mayor Tiedemann resigned from Social & Economic Justice Commission
- Miles Tepper appointed by Vice Mayor Tiedemann resigned from Charter Review Committee
- Anthony Gray appointed by Council Member Gary resigned from Charter Review Committee

Staff recommendation: Information Item

- 7-5.** Proclamation – Police Officer David Lembi Retirement

Staff recommendation: that the Council approve the proclamation in honor of Police Officer David Lembi upon his retirement from the City of Albany

- 7-6.** Request for Encroachment Permit for a Temporary Street Closure for the Albany Move'n'Groove Event on April 24, 2022, and Request for Waiver of Permit Fees for this Event

Staff recommendation: that the Council authorize staff to issue an encroachment permit for a temporary street closure for the Albany Move'n'Groove event on April 24, 2022, and waive the permit fees for this event

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. Council Member McQuaid removed Item 7-6. A member of the public removed Item 7-5.

Item 7-6: Council Member McQuaid recused herself from the item. Albany Community Foundation is sponsoring the Albany Move'n'Groove event, and she proposed having a separate vote.

Mayor Jordan suggested including an additional condition to require additional temporary bike racks.

A summary of public comment is as follows: appreciation for Police Officer David Lembi; inquiries regarding impacts to both Albany's Public Works Department and Police Department; and question concerning the purpose of encroachment fees that can be waived and the event location.

MOTION:



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Moved by Council Member McQuaid, seconded by Council Member Nason, to approve the consent calendar, excluding Item 7-6.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Mayor Jordan, seconded by Council Member Nason, to approve Item 7-6 with the addition of a condition of approval to provide additional temporary bike racks for the encroachment permit.

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

NOES: None

ABSTAIN: Council Member McQuaid

Motion carried and so ordered.

8. PRESENTATION

8-1. Quarterly Financial Update

Staff recommendation: report is for informational purposes only

Finance & Administrative Services Director Heather Rowden presented the second quarter update to the operating budget. City of Albany has collected forty percent of expected revenues, excluding transfers which is a significant portion of revenues, but including property taxes. Expenses have reached fifty-one percent of the budget as expected. Albany received a significant amount of property transfer tax this year and has already exceeded what was budgeted due to increase of real estate transactions during the pandemic across the United States. The year-ending is unpredictable due to changes and unknowns during the Pandemic.

A summary of public comment is as follows: an inquiry regarding the City's budget for Berkeley Food and Housing each year; a question regarding the amount of property taxes contributed by residents on Pierce Street.

Finance & Administrative Services Director Heather Rowden advised that information regarding property taxes contributed would have to be looked up individually. Berkeley Food and Housing is paid for by multiple funding sources, but the contract always goes to Council before approval.

9. PUBLIC HEARING

9-1. Ordinance No. 2022-01 Amending Albany Municipal Code, Chapter 8 ("Law Enforcement") to Add Section 8-22 Entitled "Safe Storage of Firearms" – First Reading



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Staff recommendation: that the Council waive reading and approve first reading of Ordinance No. 2022-01, amending Albany Municipal Code, Chapter 8 (“Law Enforcement”) by adding Section 8-22 entitled “Safe Storage of Firearms”

City Attorney Mala Subramanian presented the staff report. The Ordinance prohibits keeping a firearm in a residence unless stored in a locked container or disabled with a trigger lock. Exceptions for personal carrying include maintenance and self-defense uses. Flexibility to allow enforcement via a misdemeanor or infraction is included in the ordinance. The vehicle storage component for rifles and shotguns was not included.

A summary of Council comment is as follows: request for the Ordinance to include a more detailed description on the enforcement category; concern about how the Ordinance would be enforced.

A summary of public comment is as follows: a suggestion for the City to monitor the amount of guns owned by residents.

City Attorney Mala Subramanian advised that there could be grounds for citing an individual if they had a legal reason to be in a residence and found a firearm improperly stored. Additional sentences can be included to the Ordinance.

Mayor Jordan advised that there is no uniform gun ownership database and no legal basis for the creation of such database.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to waive reading and approve first reading of Ordinance No. 2022-01, amending Albany Municipal Code, Chapter 8 (“Law Enforcement”) by adding Section 8-22 entitled “Safe Storage of Firearms”.

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

NOES: Council Member Gary

Motion carried and so ordered.

10. UNFINISHED BUSINESS

10-1. American Rescue Plan Act of 2021 (ARPA) funding for a Temporary COVID Small Business Assistance Grant Program

Staff recommendation: that the Council approve Resolution No. 2022-09 allocating \$1,000,000 in ARPA funds for a Temporary COVID Small Business Assistance Grant Program

Assistant City Manager Isabelle Leduc presented the staff report. City of Albany has received fifty percent of the allocation of approximately 4.7 million in one-time funds. Council appropriated \$900,000 of ARPA funds to create and market a Temporary COVID Public Assistance Program facilitated by a temporary COVID Community Engagement



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Specialist. Staff recommends an appropriation of one million dollars in ARPA funds for a proposed small business grant program. Staff retained the services of California Consulting for research on the use of ARPA funds to support businesses. Economic development plans are primarily in the form of small grants ranging between \$3,000 - \$20,000 from smaller cities, and up to \$100,000 from some larger cities. Funds allocated are intended to provide recovery support to sectors of the economy struggling most to recover from the pandemic. The interest is to develop a distribution plan that would meet the requirements without incurring hardship on businesses. The program would provide grants in the amount of up to \$20,000 but not exceed fifty percent of the business 2019 revenue. Grant awards would be based on tiered criteria. The program will be structured so that necessary documentation is provided at the time of application. Subsequent follow up or reporting will be kept to a minimum to reduce the burden on businesses and the amount of ongoing staff time. Qualifications to apply should include businesses with a City of Albany Business license, a brick-and-mortar presence, and operate as a for-profit business. The program will be structured in two rounds, and assessment based on existing COVID needs of the business community will occur after the first round. Unmet needs could be addressed in the second round, and businesses could reapply if funding was never received. Funds may also be used to implement new long-term safety and access design elements for parklets depending on the outcome of the long-term parklet program. The application will be translated into various languages. Staff will contact businesses most impacted by the pandemic directly.

A summary of public comment is as follows: a question concerning ARPA funding and its purpose; inquiries regarding the amount of money allocated to the City, and how much has been allotted to supporting residents.

Assistant City Manager Isabelle Leduc advised that Albany expects to receive approximately 4.7 million dollars of which fifty percent has been received. As part of the Public Assistance Program and additional funding, Council has appropriated about 1.2 million dollars. Council will have allocated 2.2 million of the fifty percent allocation of ARPA funds received to date.

MOTION:

Moved by Council Member Nason, seconded by Tiedemann, approve Resolution No. 2022-09 allocating \$1,000,000 in ARPA funds for a Temporary COVID Small Business Assistance Grant Program.

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

NOES: None

Motion carried and so ordered.

11. NEW BUSINESS

11-1. Resolution in Support of a Moratorium on the Construction and Expansion of Factory Farms and Slaughterhouses in California



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Council Member Gary recommendation: that the Council passes a resolution in support of a moratorium on the construction and expansion of factory farms and slaughterhouses in California

Council Member Gary noted that San Francisco passed a similar resolution. Regulation of factory farming should be undertaken by the City. The memorandum was delivered to the Mayor, who directed what should be presented to the Council.

The Council indicated the Resolution was not vetted by staff, which violates recently adopted Policy.

City Manager Almaguer advised that analysis would be needed if the item is extended to include additional elements.

A summary of public comment is as follows: disappointment regarding the proposal not having been seen by staff; appreciation for Council Member Gary proposing the moratorium; encouragement for Council to consider both the harms of the factory farming industry, and benefits of helping the animal farming workforce to engage with the production of sustainable food systems; the animal farming industry endangers has negative environmental impacts; animals are tortured on factory farms; support for the resolution; giant corporations prevent factory farming regulations; the moratorium gives Albany the opportunity to make a difference; Slaughterhouses expose employees to physical and psychological health challenges; encouragement for Council to support the Resolution; factory farms and slaughterhouses are an abomination to California; passing the Resolution will help disrupt factory farm profits generated from product sales in Albany; City support for the resolution would be both important and symbolic; rejecting factory farms would be an effective course of action to protect the world.

A summary of Council comment is as follows: support for the Resolution; no factory farms exist in Albany; concern about not addressing responsibilities with respect to animal cruelty within Albany; a suggestion for Council to clarify whether California is being asked to put a moratorium on both Golden Gate Fields and meat production facilities; concern regarding broad statements about factory farms being the leading cause of environmental destruction; a suggestion to narrow the statements to support for the Farm Systems Reform Act, and leave state legislation to clarification about the meaning of what is and is not a factory farm; concern about whether the Resolution will be effective; a suggestion for Council to work directly with Senator Skinner and Assembly Member Wicks for legislation insight; a suggestion to call for Senator Feinstein and Senator Padilla to consider being co-sponsors; a subcommittee of the Council may be effective; a suggestion to declare support for the Farm System Reform Act, but defer action on the rest to a future date.

Vice Mayor Tiedemann advised that by Environmental Protection Agency (EPA) definition, Golden Gate Fields would classify as a Concentrated Animal Feeding Operation (AFOs). The Farm System Reform Act includes a moratorium.



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MOTION:

Moved by Council Member Nason, seconded by Council Member McQuaid, to direct Mayor Jordan and Council Member Gary to send a letter of support for the Farm System Reform Act.

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

NOES: None

Motion carried and so ordered.

11-2. City Council Appointments to the Board of Police and Fire Pension Fund Commissioners

Staff recommendation: that the Council appoint the alternates for the Board of Police and Fire Pension Fund Commissioners per City Charter Section 9.01

City Clerk Anne Hsu presented the staff report. Staff requests the Council to choose an alternate to the Board of Police and Fire Pension Fund Commissioners per City Charter Section 9.01 for Mayor Jordan, and reappoint all other alternates as recommended.

Council Member McQuaid expressed interest in continuing as Mayor Jordan’s alternate.

Council Member Gary indicated an interest in the position.

MOTION:

Moved by Vice Mayor Tiedemann, seconded by Council Member McQuaid, to appoint Council Member McQuaid as the alternate, and appoint all other nominees as proposed in the staff report.

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

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	Jordan	Tiedemann
Alameda County Transportation Commission	Nason	Jordan
Alameda County Waste Management Authority	Jordan	Nason
Association of Bay Area Government	Gary	Tiedemann
East Bay Community Energy JPA Board	Tiedemann	Jordan



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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	N/A
Alameda County Library Advisory Commission	Gary	(vacant)
Alta Bates Hospital Task Force	McQuaid/Nason	N/A
Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract (DAC)	Gary	N/A
City/AUSD/UC – 2X2X2	Jordan/Tiedemann	N/A
Police & Fire Pension Fund Board	Jordan	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

Vice Mayor Tiedemann reported he attended a regular East Bay Community Energy EBCE Board of Directors meeting, where members discussed both the approval of a pilot program for low-income electrification and budget update. He also attended a Marketing, Regulatory, Legislative Subcommittee meeting, in which he learned the City's default rate is improving.

Council Member McQuaid reported she attended a meeting of the League of California (East Bay) and discussed statewide redistricting. In addition, she attended a mixer, IBX Fitness ribbon cutting ceremony, and the EveryOne Home community meeting.

Council Member Nason reported she attended the Alameda County Transportation Commission (ACTC) meeting, where ACTC staff discussed setbacks regarding both the Interstate 80/Gilman Street Interchange and San Pablo Avenue multimodal corridor projects.

Mayor Jordan indicated that Interstate 80/Gilman Street project overbudgeting is primarily due to Pacific Gas & Electric (PG&E) undergrounding cost increases.

Mayor Jordan reported he attended a meeting with the StopWaste Energy Council Waste Management Authority Board, during which it discussed the agency's 1,600-acre owned property and efforts for reducing greenhouse pollution. He also attended a meeting of the ad hoc committee of the Alameda County Mosquito Abatement District that is negotiating a new Memorandum of Understanding (MOU) regarding a salary increase for staff.

A summary of public comment: an inquiry regarding Council Subcommittee reports.

Mayor Jordan stated that the Council currently has one ad hoc subcommittee designated. Council Subcommittee members had one meeting with City staff and the contractor to the City regarding a potential revenue measure supporting Advanced Life Support (ALS) services.



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13. FUTURE AGENDA ITEMS

Council Member Nason requested a future agenda item to address inappropriate conduct in the Social & Economic Justice Commission.

A member of the public requested a future agenda item regarding incorporating school zones into the City Municipal Code.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Events – please check on City website www.albanyca.org under City Calendar web page for up-to-date information

Upcoming City Meetings

1. Parks, Recreation & Open Space Commission Meeting, Thursday, February 10, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Arts Committee Meeting, Monday, February 14, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Community Task Force on Policing Meeting, Tuesday, February 15, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Climate Action Committee Meeting, Wednesday, February 16, 7:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Meeting, Tuesday, February 22, 7:00 PM, Virtual Meeting via phone/video conferencing (due to Presidents' Day on Monday)

15. ADJOURNMENT

9:51 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Preston Jordan
Mayor

Attest:

Anne Hsu, City Clerk