



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, November 15, 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

No public comment received.

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

2-1. Public Employee Performance Evaluation pursuant to Government Code Section  
54957 Public Employee Title: City Manager

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

### **REGULAR MEETING: 7:02 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 Manager Nicole Almaguer reported United Against Hate Week is underway through  
November 20, 2021. The City of Albany Arts Committee invited artists to submit proposals  
for the Albany Creative Justice Art Project, and information can be found at [albanyca.org](http://albanyca.org).  
The Alameda County Redistricting Hearing in connection with re-drawing Supervisorial  
Districts, scheduled for November 16, 2021, will affect Albany, and residents may visit  
[redistricting2021.acgov.org](http://redistricting2021.acgov.org) to register for the upcoming meeting. The Police Department,  
Berkeley and Albany communities, and California Highway Patrol received appreciation  
for assistance in locating a missing Albany resident, matter resolved safely due to the



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great partnership and coordination across agencies and communities with effective communication tools. A call for help from the Public Works Department informing residents that disposing of cooking oils and grease down the drain will not only clog the pipes but may also affect local waterways; all content belongs in garbage-cans for safe disposal should not be in pipes. COVID-19 vaccines are now available for children ages 5 through 11 years old; information regarding the opportunities and local vaccination sites can be found at [acphd.org](http://acphd.org). Albany has issued the request for proposals for the Community Satisfaction and Racial Equity Work.

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

Mayor Gary opened the Good of the City.

No public comment received.

Council Member McQuaid received information that the Berkeley Food Pantry policy is to give out food that are good for consumption. All expired, moldy, or questionable food is placed into a compost bin. Any good un-storable food left at the end of the day is provided to a partner organization to distribute to low-income individuals. People eligible to visit pantry are people who are low-income or in financial distress, who live/work/attend school in Berkeley or Albany.

### 7. CONSENT CALENDAR

7-1. Minutes – November 1, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 11/5/2021 Net Amount \$343,249.42, Taxes/Benefits/Deductions \$345,244.00, Total Payroll \$688,493.42

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 \$178,847.88 (10/29/2021), \$348,336.79 (11/5/2021)

Staff recommendation: Ratify

7-4. Proclamation – Appreciation for Albany CERT Volunteers

Council Member McQuaid recommendation: that the Council expresses its gratitude to all of the CERT (Community Emergency Response Team) volunteers



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- 7-5.** Resolution of the Albany City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency under California Assembly Bill (AB 361)

Staff recommendation: that the Council adopt Resolution No. 2021-110, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

- 7-6.** Subdivision Agreement, Deferred Improvement Agreement & Final Map for Portland Kains Townhomes

Staff recommendation: that the Council adopt:

1. Resolution No. 2021-111, approving the Subdivision Agreement and Deferred Improvement Agreement for the Portland Kains Townhouse Project
2. Resolution No. 2021-112, approving the Final Map for the Portland Kains Subdivision (Tract 8402)

- 7-7.** Authorize Call for Bids for the Masonic Intersections (Ohlone Trail Safety Improvements) Project – CIP No. 25007

Staff recommendation: that the Council adopt Resolution No. 2021-113, authorizing the City Manager:

1. To approve a Call for Bids for construction of the Masonic Intersections (Ohlone Trail Safety Improvements) project (CIP No. 25007); and
2. To execute a grant agreement for the State of California Active Transportation Program (ATP) Cycle 4 Grant awarded to the project in the amount of \$410,000; and
3. To confirm appropriation of the Active Transportation Program (ATP) Cycle 4 grant funding in the amount of \$410,000, which will be provided to the City on a reimbursement basis for expenditures incurred on the project

- 7-8.** Authorization to Sign Lease Agreement and Appropriate Funds for Bigbelly Units at the Waterfront and Taft Street Turnaround

Staff recommendation: that the Council adopt Resolution No. 2021-114:

1. Authorizing the City Manager to execute a five-year lease agreement with Bigbelly LLC for use of three (3) triple-stream units and one (1) double-stream unit; and
2. Appropriating \$14,000 from Measure D Waste Mitigation funds for the first year of the agreement, to be incorporated into the Public Works Operating Budget



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### 7-9. Comments for Congressional Redistricting

Council Members McQuaid & Nason recommendation: that the Council approve submission of the attached comment expressing our concern over this plan

### 7-10. California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) Proposition 68 Per Capita & Recreational Infrastructure Revenue Enhancement (RIRE) Programs Project Applications

Parks, Recreation & Open Space Commission Recommendation: that the Council authorize the submission of applications with the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) for 7 park projects to receive funding from Proposition 68 Per Capita and Recreational Infrastructure Revenue Enhancement (RIRE) grant programs with options for adding 2 additional projects if funding allows for shading over the play structure at Peggy Thomsen Pierce Street park and Lighting improvements for the tennis/pickleball courts at Ocean View park

Staff Recommendation: that the Council adopt Resolution No. 2021-115, authorizing the submission of applications with the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) for 7 park projects to receive funding from Proposition 68 Per Capita and Recreational Infrastructure Revenue Enhancement (RIRE) grant programs and appropriate \$37,961 in matching funds from available fund balance in Measure M - Parks & Open Space Parcel Tax (2018)

### 7-11. Development of an Existing Building Electrification Pilot Program

Vice Mayor Jordan recommendation: that the Council authorize City staff to work with StopWaste staff to develop a potential pilot program utilizing Measure DD funds to electrify existing buildings in locations that allow future reduction of the gas distribution network, with a focus on older multi-residence buildings

### 7-12. Curative Testing Center in Albany

Mayor Gary recommendation: that the Council will vote in favor of having local COVID testing in the City of Albany by partnering with Curative

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Vice Mayor Jordan removed Item 7-6, 7-9 and 7-10, Council Member McQuaid pulled 7-4, Council Member Nason removed 7-8.

Item 7-4: Council Member McQuaid pulled to recognize the CERT volunteers in Albany and extend appreciation. They do a lot of work that the community may not know about,



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meet regularly, and working/organizing neighborhoods in the event of a manmade or natural disaster. Vice Mayor Jordan commended the group for becoming a 501c3 to be able to accept donations.

Item 7-6: City Manager stated the item will return in December for action per applicant's request.

Item 7-8: Council Member Nason expressed concerns about the plan to cut back significantly on the number of waste cans at the waterfront. Additionally, aesthetic concerns that the Bigbellies will become trashed by the waterfront.

Item 7-9: Vice Mayor Jordan noted that there may be some benefits to the proposed districts as it includes other small waterfront cities that may have relatable issues to which the Federal government may pay more attention. Council Member Tiedemann commented that either way has advantages. Albany has similarities with other cities of Alameda County, but also many similarities with El Cerrito, Kensington, and other cities. Council Member Nason would be in favor for Albany to stay with Alameda County, the largest municipal issue beyond Albany boundary that Albany participated in and will need to participate in years to come is around hospital and emergency room services. Council Member McQuaid agreed with Council Member Nason and thought that Albany doesn't have a lot in common with cities like Antioch and Vallejo and needs are not aligned well. Council reached a consensus not to politicize this process and that comments can be submitted by individuals.

Item 7-10: Vice Mayor Jordan commented that the lighting plan is an improvement for playground users and raised the prospect of completing the sidewalk on the Memorial Park side along Carmel Avenue. There is a 50 foot gap to Thousand Oaks in the walking network.

A summary of public comment is as follows: CERT appreciates the proclamation and proud to serve the community of Albany, online CERT training available at albanycert.org (Item 7-4). A preference to keep Albany within the Alameda County District having homogeneity, urged not to send in the letter as a government body because the redistricting process should be unpolitical, but urged comments to be submitted as an individual (Item 7-9).

### **MOTION:**

Moved by Council Member McQuaid, seconded by Council Member Tiedemann, to approve the consent calendar, with the exception of Items 7-6 and 7-9.

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

NOES: None

Motion carried and so ordered.



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### 8. PRESENTATION

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

Staff recommendation: that the Council:

1. Receive presentation regarding the work plan developed by the Financial Advisory Committee
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's recommendation is for the Council to review the work plan, provide direction and comments, and approve it.

Judy Kerr, Financial Advisory Committee (FAC) Chair, reported the fiscal year 2021-2023 work plan is intended to highlight recent accomplishments and outline priority focus areas for each of the Advisory Bodies, and requested a revision to the plan to move all the Required Items to Item numbers 1, 2, 3 and the Desired Items to Subsequent Items.

A summary of Council comment is as follows: a suggestion to add "relative" before "California" in the last Item on page two of the Work Plan; a question regarding sub-bullets under bullets in the Work Plan; a proposal to add one item.

#### **MOTION:**

Moved by Council Member Nason, seconded by Council Member McQuaid, to approve the Financial Advisory Committee Work Plan as presented.

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

NOES: None

Motion carried and so ordered.

#### 8-2. Quarterly Financial Update

Staff recommendation: report is for informational purposes only

Finance & Administrative Services Director Heather Rowen presented the quarterly financial update and provided a summary of what went to the Financial Advisory Committee (FAC). Much of the increase between 2021-2022's first quarter spending was specifically related to the increase in unfunded liability payment and an increase in insurance costs. Pension costs were budgeted and expected to increase year over year through the 2030's. Insurance costs were slightly above budget but remain within range. The increase in claims and increase in value of those claims is driving the insurance costs to increase across the board. More revenues have been collected than at this point last year. Quarter one is always lower than quarter two and quarter four. Increase in costs related mostly to the excess insurance carrier for workers comp.



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A summary of public comment is as follows: The FAC did not comment beyond noting the possibility of revenue items being placed on the ballot for 2022.

A summary of Council comment is as follows: Council needs to look at the long-term finances and stay cautious of spending going forward as insurance will continue rising; Council needs to consider various ways to generate more revenue.

### 9. PUBLIC HEARING

**9-1.** Introduction of an Ordinance Adding Section 9.12 Organics Reduction and Recycling to the Albany Municipal Code, Adopting by Reference the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance No. 2021-02 – First Reading

Staff recommendation: that the Council conduct a first reading of Ordinance No. 2021-11, amending Section 15-2 of the Albany Municipal Code, opting into the Alameda County Organics Reduction and Recycling Ordinance (ORRO)

The Ordinance will become effective on January 1, 2022, consistent with the Organics Reduction and Recycling Ordinance adopted by the Alameda County Waste Management Authority.

Sustainability Coordinator Elizabeth Carrade presented the staff report. The Short-Lived Climate Pollutant Reduction Act of 2016 (SB 83), effective January 1, 2022, is a State Mandate seeking to reduce climate change inducing methane emissions from landfill, diverting organic materials from landfill, and increasing edible food recovery. Waste Management Authority will work on behalf of Albany to meet SB 1383 requirements, and implement the proposed roles as described with existing resources.

#### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, to approve for first reading Ordinance No. 2021-11 amending Section 15-2 of the Albany Municipal Code, opting into the Alameda County Organics Reduction and Recycling Ordinance (ORRO).

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

NOES: None

Motion carried and so ordered.

### 10. UNFINISHED BUSINESS

**10-1.** Update from the City Council on Confederated Villages of Lisjan



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Council Subcommittee recommendation: that the Council receive an update regarding status towards achieving initiatives as approved by the Council on September 20, 2021, and adopt the proposed land acknowledgment to be read at the beginning of City Council meetings and all other City board and commission meetings

Mayor Gary advised that she and Council Member Tiedeman met with Corrina Gould (Confederated Villages of Lisjan, Sogorea Te' Land Trust) and her staff to discuss establishing a basis to respond to initiatives that were set forth on September 20, 2021. Further discussions included the Land Acknowledgement and for Corrina Gould to provide the invoice of Shuumi Land Tax to the Council for review and approval. In addition, they met with School Board members to discuss their portion and recommended that Corrina Gould work with staff on the signage included in the initiative.

Council Member Tiedemann stated that he and Mayor Gary met with members of the School Board and discussed a portion of the resolution recommending that the School Board incorporate additional information into the curriculum.

City Manager Almaguer advised that Albany is in the process of creating a design for signage. Fabrication and installation of the signs are anticipated soon, and additional information will be provided when available.

Ariel Luckey, Development Director (Sogorea Te' Land Trust), advised that the project is a combination of symbolism and tangible, significant support for the work of repatriation that Sogorea Te' Land Trust is doing in the City of Albany.

A summary of public comment is as follows: support for the resolutions; inquiries regarding what the payments accomplish, where the funds are going, how descendants are benefited, and use of the lands; a desire for Albany City Council to be in community with the Tribe; Albany must acknowledge past mistakes before it can forward; it would be helpful for City Council to thoroughly explain why any non-profit should receive assets.

A summary of Council comment is as follows: a preference to remove "it is important that" from the Land Acknowledgement Statement; a preference to rephrase "repay the debt" with "repay the moral debt" in the Land Acknowledgement Statement; Albany should help support the Land Trust, but the concept of the proposed taxation should be separated; Albany's population is significantly smaller than Alameda and the payment amount proposed may not be appropriate; a suggestion for Albany to support the Sogorea Te' Land Trust with management funds rather than tax payment; a distinction must be drawn between taxes extracted involuntarily, and gifts made out of moral obligation; one dollar per acre per year is reasonable; a suggestion for Albany to match Alameda's repatriation.

Corrina Gould (Confederated Villages of Lisjan) advised that the purpose of the Sogorea Te' Land Trust is to create relationships with individuals who have moved onto the tribe's





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territories and bring awareness to the Indigenous community still living in Albany. Albany residents are encouraged to visit [sogoreate-landtrust.org](http://sogoreate-landtrust.org) for additional information about the land trust, including the Shuumi Land Tax.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Mayor Gary, to adopt the proposed Land Acknowledgement be read at the beginning of City Council meetings, and all other City Advisory Body meetings.

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

NOES: None

Motion carried and so ordered.

## **11. NEW BUSINESS**

### **11-1. Albany Waterfront Park**

1. Council Member Nason recommendation: that the Council establish policy principles as follows with respect to planning for the city-owned portions of the Albany waterfront\*:
2. That the City not seek renewal of the five-year Memorandum of Understanding executed on November 28, 2016, and instead seek to foster collaborative relationships with the East Bay Regional Park District through cooperation on matters of mutual interest, including policy as well as implementation and day-to-day management;
3. That the \$300,000 previously set aside for CEQA documentation be reprogrammed to minor improvements to the park and accessways in a manner and on a timeline to be recommended by staff and approved by the Council

Council Member Nason presented her memo recommending the Council not seek renewal of the five-year Memorandum of Understanding, and instead try to collaborate with the East Bay Regional Park District (EBRPD) on smaller, more concrete areas of improvement. Also, it was proposed that the \$300,000 previously set aside for the environmental documentation on the transition process instead be utilized for small improvements toward a safer and more attractive park.

A summary of public comment is as follows: a suggestion to present East Bay Regional Parks with concerns regarding East Bay Mud water quality testing.

A summary of Council comment is as follows: a proposal for the Council to provide a letter to the park district regarding the water quality testing; a suggestion to explore implementing the conceptual trail network into the Transition Study.



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### **MOTION:**

Moved by Council Member McQuaid, seconded by Vice Mayor Jordan, to 1) give staff direction not to pursue renewal of the MOU, but instead build collaborative relationships on smaller issues with the District 2) affirm that it is appropriate to be implemented into the Master Plan and 3) direct staff to reprogram the \$300,000 previously set aside for CEQA purposes to incremental and on the small improvements at the waterfront.

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

NOES: None

Motion carried and so ordered.

### **11-2. Consideration of Possible Ballot Measures for the November 2022 General Municipal Election**

Staff recommendation: that the Council receive information regarding possible measures for the November 2022 ballot and provide direction to staff on next steps, including the possible establishment of a subcommittee of the City Council to further develop the framework for potential ballot measures

City Manager Almaguer presented the staff report. The next general municipal election will be held on November 8, 2022, and staff is working in advance of the election season to provide time for Council consideration of possible ballot measures. The potential ballot measures can be categorized as Charter amendments, revenue measures, Advance Life Support/Emergency Medical Services (ALS/EMS) Tax update, Business License Tax update, Public Works – infrastructure funding, land use/planning related measures, and other measures. Pending Council direction, staff will conduct additional research and analysis as needed, potentially in coordination with subcommittee of the Council, and return to the Council with more detailed information.

A summary of public comment is as follows: cities have little choice but to enact tax measures to fund essential services because of Proposition 13; the possibility of a self-tax should be decided by the voters; the mitigation for taxation for those unable to pay is to ensure that proper low-income exemptions are established for tax measures; a suggestion to remove Measure D; support for Measure K; Measure C is outdated and needs reform; Measure EE failed last year by an exceptionally small margin and including it to this next ballot would be worthwhile; Council should ensure a sufficient ballot statement, maximum number of signatories, and finding citizens to work with the Firefighters Union; a suggestion for Council to consider an affordable housing bond.

A summary of Council comment is as follows: a suggestion for Council to provide a persuasive package regarding the need and amount for a measure tax; support for Council and a potential subcommittee of the Council to begin drafting a new version of Measure EE; Measures D, K, and C should be included on the Council's docket; Measure D is particularly necessary for Albany based on its symbolic value; regarding the general



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revenue, the Council needs to explore taxing to increase its general fund; support for the Council to explore an affordable housing bond; a suggestion that the Council take caution with Measure C until an appropriate modification is proposed; support for the creation of a homeless shelter in Albany.

**MOTION:**

Moved by Vice Mayor Jordan, seconded by Mayor Gary, to establish an ad hoc committee on the ALS/EMS Tax and potentially other existing tax restructuring, consisting of Mayor Gary and Vice Mayor Jordan.

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

NOES: None

Motion carried and so ordered.

**MOTION:**

Moved by Mayor Gary, seconded by Council Member Tiedemann, to establish an ad hoc committee to consider a bond measure for affordable housing shelter space and potentially other housing related matters, consisting of Mayor Gary and Council Member Tiedemann.

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

NOES: Council Member Nason

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	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
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



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Vice Mayor Jordan reported he attended an Alameda County Mosquito Abatement District Board meeting.

Council Member McQuaid reported she attended the Housing Authority Ceremony for the Family Self-Sufficiency (FSS) program graduates. FSS is a five-year federally funded motivational program that helps families achieve financial independence. It helps families earn college degrees, find job promotions, purchase their dream home, and more.

Council Member Tiedemann reported he attended a meeting with the Council Subcommittee and will attend an East Bay Community Energy (EBCE) meeting to report in the next session.

Mayor Gary reported she attended the Mayor's Conference and the Mayor's Net at the Howard Terminal at Porter Oakland. In addition, she traveled to Livermore, to ABC NorCal Apprenticeship, which she described as a very amazing and informative event.

### 13. FUTURE AGENDA ITEMS

None

### 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

Holiday City Facilities Closures:

1. Thursday, November 25 – Friday, November 26, 2021
2. Thursday, December 23 from 12:30 PM - Friday, December 31, 2021  
City Facilities will resume normal office hours on Monday, January 3, 2022

Upcoming City Meetings

1. Community Task Force on Policing Meeting, Tuesday, November 16, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Climate Action Committee Meeting, Wednesday, November 17, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Transportation Commission Special Meeting, Wednesday, December 1, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Economic Development Committee Meeting, Thursday, December 2, 7:00 PM, Virtual Meeting via phone/video conferencing



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5. City Council Meeting, Monday, December 6, 7:00 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

10:07 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting in memory of Supervisor Chan, who recently passed.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in black ink, appearing to read "Ge'Nell Gary".

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Ge'Nell Gary, MBA  
Mayor

Attest:

A handwritten signature in black ink, appearing to read "Anne Hsu".

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Anne Hsu, City Clerk