



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, December 20, 2021

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

4. CEREMONIAL MATTERS

5. CITY MANAGER REPORT

City Manager Almaguer reported that a virtual Community Conversation about the Albany Housing Element was held to learn more about the process and sharing ideas about potential local housing policy and programs. The Planning Commission will be considering the item on January 12, 2022 in further detail, including housing opportunity sites. Additional meetings and conversations will be scheduled in early 2022. Counties in the Bay Area must adopt an updated Housing Element by January 15, 2023. Residents may email the Community Development Planning Division at planning@albanyca.org to provide comments on housing in Albany. A survey went out about the long-term program for Albany's parklets in the business district, specifically Solano Avenue, and will close on January 16, 2022. Links can be found on the City of Albany's website or Survey Monkey (surveymonkey.com/longtermparklets-community). Additionally, surveys have been sent to businesses to provide more information on how the parklets should be seen longer-term. With Council's leadership and support, Albany now has new entry-way signs to recognize Ohlone Territory.

A summary of public comment is as follows: questions regarding the cost and locations of the entry-way signs; a question regarding the Planning Division email address.

City Manager Almaguer clarified that the planning email address goes to staff administering the Housing Element and components will be submitted to the Planning & Zoning Commission as part of the overall process; new entry-way signs are currently at four locations; more locations can be coordinated with Public Works Department if there is an interest in additional signage.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comment is as follows: update requested for public comments in the previous meeting minutes regarding laundry program; concern about an elderly homeless individual living in her vehicle in the Albany Library parking lot; City staff communicated that accounting for the Codornices Creek maintenance fund with details



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will be posted on City website, portable toilets can be coordinated with City of Berkeley and UC, public meeting regarding Codornices Creek will be hosted in January; UC Berkeley hired workers to complete the bio-hazardous waste cleanup; Friends of Five Creeks looks forward to planting natives; concerns regarding the ongoing rat infestation at 739 Madison Street that is impacting neighbors should be prioritized and communicated; encouraged City to take a larger look at rat infestation problems all over not isolated at the Madison house.

7. CONSENT CALENDAR

7-1. Minutes – December 6, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 12/3/2021 Net Amount \$345,853.84, Taxes/Benefits/Deductions \$352,000.89, Total Payroll \$697,854.73

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 \$254,725.40 (12/3/2021), \$168,962.23 (12/10/2021)

Staff recommendation: Ratify

7-4. Advisory Body Resignations:

- Julie Winkelstein appointed by Mayor Gary resigned from Community Media Access Committee
- Robert Abrams appointed by Council as a whole resigned from Arts Committee

Staff recommendation: informational only

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. 2021-119, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

7-6. Annual Street Rehabilitation Program (CIP No. 21000) – Adams Street Paving Rehabilitation Project (C20-47) Closeout and Filing of Notice of Completion

Staff recommendation: that the Council adopt Resolution No. 2021-120, authorizing the City Manager to:



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1. Approve the final Contract Change Order (CCO#1) in the not-to-exceed amount of \$19,622.40
2. Accept the improvements completed in Contract No. C20-47, and
3. File the Notice of Completion with the County Recorder's Office

7-7. Annual Street Rehabilitation Program (CIP No. 21000) – Washington Avenue Rehabilitation Project Phase 2 – Award of Construction Contract No. C21-49 and Construction Management Services Contract No. C21-87

Staff recommendation: that the Council adopt Resolution No. 2021-121, authorizing the City Manager to:

1. Award Contract No. C21-49 to McGuire and Hester to construct the Washington Avenue Rehabilitation Project Phase 2 for the not-to-exceed amount of \$489,832 from previously appropriated funds for the Annual Street Rehabilitation Program (CIP No. 21000), and
2. Execute Contract No. C21-87 with Zoon Engineering to provide construction management services for the not-to-exceed amount of \$62,000 from previously appropriated funds for the Annual Street Rehabilitation Program (CIP No. 21000)

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Vice Mayor Jordan pulled Item 7-1, 7-6 and 7-7.

Public comment regarding 7-1: correction of minutes needed regarding the laundry program.

Vice Mayor Jordan suggested to add a note that the funds that the City provided for the laundry program were not accepted by the financial sponsor.

Council Member Tiedemann clarified that the laundry program was not mentioned in the minutes from the last meeting and no correction is necessary.

Item 7-6 and Item 7-7: Vice Mayor Jordan thanked engineering staff for good work on projects with lowest bid coming above estimate, which is an uncommon occurrence.

MOTION:

Moved by Council Member Nason, seconded by Council Member Tiedemann, 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. Annual Fire Prevention Inspection Presentation



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Staff recommendation: informational only.

Fire Chief Jim Boito presented the staff report. The December 2, 2016, Ghost Ship fire tragedy in Oakland brought national attention on fire safety laws and inspection in California. On September 27, 2018, SB 1205 became effective, adding a new section to the California Health and Safety Code and affects every fire department or district in the State. Existing state law requires annual inspections for all buildings used as a public or private school, as well as hotels, motels, lodging houses, and apartment houses. Educational Group E occupancies are generally classified as public or private, and used by more than six personnel at any one time for educational purposes through the twelfth grade; Residential Group R occupancies generally contain sleeping units, including hotels, motels, apartments with three units or more, and other residential occupancies, including residential care facilities. All fourteen known Group E occupancies and two hundred and thirty-six known Group R occupancies were inspected during the 2021 calendar year, resulting in a compliance rate of one hundred percent for the current reporting period.

A summary of public comment is as follows: it is good to get the community involved with uses for fire extinguishers; a suggestion for an assembly presentation at the high school; inquiries regarding the food and housing accommodations provided by the Fire Department, and the status of the eucalyptus on Albany Hill.

A summary of Council comment is as follows: appreciation for the high-level compliance; concern regarding homeless encampment fire risk.

Fire Chief Jim Boito explained that no category expansion is likely under this legislation; Fire Department put all fires out in Albany but is not actively distributing devices to extinguish fires, devices would require approval and be proven safe to use; the ten hours a week is for each inspection including ensuring accuracy of records management; Albany Fire Department was the first City in the state to adopt NFPA1 in 1996, ahead in fire prevention; the Fire Prevention and Safety Program is funded through the fee schedule and is fully funded; the Albany Fire Department website offers some educational components, in addition to annual information mailers that are distributed to property owners; the Fire Department helps educate individuals about cooking fires and reaches out to resources available through Albany CARES to provide assistance to those in need; the Fire Department is working directly with Public Works and Community Development regarding Albany Hill for help through grant programs to take care of the vegetation management needs on the Hill.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

11. NEW BUSINESS



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11-1. Reducing Vehicle vs Pedestrian/Bicyclist Accidents

Mayor Gary recommendation: for Council to approve a resolution for the reducing pedestrian/bicyclist accidents by increasing Pedestrians Signage/signals Citywide, with a primary focus on Solano Ave. Additionally, approval of a mandatory decrease in speed limits to 15 mph around heighten areas such as local school zones, senior centers, etc. with proper signage. Moreover, a request for a Pedestrian & Traffic Safety Task Force comprised of 2 councilmembers who will monitor and work with APD, AFD, County Public Health Department and staff to identify problematic areas and with the charge to improve safety measures from 2021-beyond.

Mayor Gary presented her memo. The City had a total of fourteen vehicle vs pedestrian collisions which can be costly to the City if claim/suit is filed. She is raising the concern of why there are no signs, pedestrian crosswalks, or safety measures to address these street safety issues. City should take proactive approach looking at immediate possible short-term project now instead of reactive approach to avoid any potential losses, damages or fatalities on our streets

A summary of public comment is as follows: support for the Council to receive input from the Transportation Commission, and a suggestion for the Commission to facilitate the process by reporting back to the Council with considerations; it has been proven that signage alone does little to prevent collisions and does not change behavior; if roads are engineered for fast speeds, they will be used at or above that speed; Albany must do more to assure the safety of the most vulnerable user on the street– the pedestrian; support for the letter from Albany Strollers and Rollers supporting Vision Zero and accelerating the completion of the next Active Transportation Plan; direct the Police Department to have zero tolerance of collision by motor vehicle drivers with pedestrians and bicyclists; pedestrians and bicyclists continue to be treated as second-class citizens by current laws and codes; a suggestion to consider using AB 43 to reduce the speed limit on Solano Avenue to fifteen or twenty miles per hour; Council can help support the efforts of the Transportation Commission if there are appeals by supporting their decisions; street signs are only announcing state law, and it may be feasible to include the state law in Albany’s weekly newsletter; support for reducing the speed on Solano Avenue to fifteen miles per hour; a suggestion for more lighting on Solano Avenue; the crossing guards in Albany jump out as individuals step into cross-walks, which results in frustrated drivers; support for the outdoor dining, but some of the bulb-outs block the field of view for drivers; walk signals are not long enough for a slow walker to cross Solano, Marin, or San Pablo; the blinking lights at some intersections help drivers become aware and slow down; Albany has a fairly sizable senior population and crossing the streets is difficult; street signage would be helpful, but the lighting condition is a safety concern and hinder visibility.

A summary of Council comment is as follows: concern about the lack of lighting; the proposal seems to be stepping directly into the role of the Transportation Commission; helpful to receive input from the Transportation Commission in the areas of concern;



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sharing concerns with the staff liaison to the Transportation Commission may be a better approach; many of the components addressed by the Council is already included on the Transportation Commission's Work Plan and Council has a role to help speed it along or add something specific if not seeing enough movement or not addressed; inserting a Council task force would likely take more staff time that can go toward implementing things that are more effectively worked on; appreciation of summary data analysis presented; suggestions for the Council to get an indication of what could be done as a Council to provide additional support for Public Works, and for members of the Council to meet with School District to discuss a partnership encouraging non-vehicular access to public schools so that students and teachers can use alternative modes of transportation.

City Manager Almaguer clarified that one claim for Albany was filed and rejected in 2019. Albany has not paid any money towards this type of issue by claim. The increase of citation issued may be due to multiple combination of fully staff Police Department, and getting back to normal implementing the primary services of enforcing traffic laws from the focus of the pandemic during the peak threat time.

Vice Mayor Jordan shared data and comments based on his background being on the Traffic & Safety Commission (currently changed to Transportation Commission). There is not a dramatic increase of collisions between 2009 to 2019. There are more collisions on San Pablo than Solano. Collisions data are report monthly to the Transportation Commission, and the collision data shows City is returning back to average pre-pandemic. The number of citations issued are also returning to pre-pandemic average. Albany has received a grant to do a street safety study which will start imminently and making progress on improvements. Update of the Active Transportation Plan including the Local Road Safety Plan is also included in the Council Strategic Plan as a high priority as the City continues to pursue street safety. He has concerns for Council injecting itself into a complicated and finely tuned operating process that involves multiple departments, multiple experts and the Transportation Commission. Any two Council Member task force created would not have the expertise of the Albany Transportation Commission.

Mayor Gary clarified that the memo addressing insufficient traffic signage is specific to Solano Avenue, and no pedestrian crossing signage exists on Key Route. There have been no discussions with any Transportation Commissioners to prevent violating the Brown Act. The goal of this item to bring awareness to this issue.

11-2. City Council Reorganization

Staff recommendation: that the Council reorganize and elect members of the City Council to the positions of Mayor and Vice Mayor for a one-year term per the election guidelines included in the adopted City Council Procedures & Policies.

City Clerk Anne Hsu presented the staff report. The City Council Procedures & Policies include a reorganization rotation policy for electing members of the Council to the positions of Mayor and Vice Mayor for a one-year term. Vice Mayor Jordan is the Council Member established in the queue to be the next Mayor, and Council Member Tiedemann



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as the next Vice Mayor. If both Council Members accept, the reorganization process is complete.

A summary of public comment is as follows: appreciation for Mayor Gary and her work and service; suggestion that a vote should be taken.

A summary of Council comment is as follows: appreciation for Mayor Gary's service this year.

Mayor Gary thanked the community of Albany, the Council, and staff for the hard work and collaborative effort to move the City forward this year.

City Attorney Subramanian clarified that the Charter states Council shall elect one of its members as its presiding officer, a vote should be taken.

MOTION:

Moved by Council Member Nason, seconded by Council Member McQuaid, to elect Preston Jordan to the position of Mayor, and to elect Aaron Tiedemann to the position of Vice Mayor.

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

NOES: None

Motion carried and so ordered.

11-3. City Council Appointments to County/Regional Bodies

Staff recommendation: that the Council review and update the appointments to county/regional bodies as necessary.

Newly elected Mayor Jordan reminded that City policy seeks to have Council Members serve two years in their appointments if possible.

No public comment.

Council consensus reached to update the appointment to Association of Bay Area Government for Council Member Gary as the appointee and Vice Mayor Tiedemann as alternate; moved the Alta Bate Regional Task Force under Committees/Boards; added the Dean's Advisory Committee established by UC with Council Member Gary as co-chair under Committees/Boards; and updated Council Member Nason as the appointee to the Alameda County Mosquito Abatement District.

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



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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	N/A
Alta Bates Hospital Task Force	McQuaid	Nason
Alameda County Library Advisory Commission	Gary	(vacant)
City/AUSD/UC - 2X2X2	Gary/Jordan	N/A
Police & Fire Pension Fund Board	Gary	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

Vice Mayor Tiedemann reported he attended a brief meeting with East Bay Community Energy (EBCE) and received an update on [CO's] report, and a special meeting pertaining to Net Energy Metering (NEM) 3.0.

Council Member McQuaid reported she attended a Housing Authority meeting, the memorial for Wilma Chan, Solano Avenue Association Winter Stroll, and announced that Albany has anew arts show at the Community Center Gallery.

Council Member Nason reported she attended a Subcommittee meeting with the University of California (UC), an Alameda County Transportation Commission (ACTC) meeting, and the Solano Avenue Association Winter Stroll.

Council Member Gary reported she attended the Alameda County Mayors' Conference.

Mayor Jordan reported he met with the Vice Chancellor for Capital Projects and Vice Chancellor for Student Services of UC Berkeley. Various issues were discussed, including the potential for UC Berkeley support of fire and emergency services to Albany, the possibility of building a bike path along the frontage of Jackson, extending the path along Village Creek, and the potential for a northbound drop-off zone located south of the stop sign at the Ocean View school. The StopWaste board voted to receive a grant from the Federal Government for the American Rescue Plan.

13. FUTURE AGENDA ITEMS

Council Member Nason requested a future agenda item regarding traffic safety, including input from the Transportation Commission staff.

Council Member Gary requested a follow-up on union negotiations regarding Juneteenth.



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A summary of public comment is as follows: a request for an agenda item regarding school zones.

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. Community Task Force on Policing Meeting, Tuesday, December 21, 7:00 PM, Virtual Meeting via phone/video conferencing
2. City Council Meeting, Monday, January 3, 2022, 7:00 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

9:33 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