



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Tuesday, February 22, 2022

Date approved: March 7th, 2022

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Vice Mayor Tiedemann 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

1. CEREMONIAL MATTERS

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported roadway repairs at Buchanan and Jackson Street were underway. Election updates are available at albanyca.org/election, and the next general municipal election is scheduled for November 2022. A free screening for Speaking Truth to Power is scheduled for February 22. The submission window for the Albany Creative Justice Art Project was extended to April 8, visit albanyca.org/arts for more information. Alameda County Health Officers lifted indoor masking requirements for most locations for vaccinated people, including City facilities.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: a question regarding COVID-19 testing in front of the library; Cornell Elementary School PTA is looking for volunteers to begin painting the Cornell mural on February 23; Berkeley Food Network is holding periodic food giveaways.

City Manager Almaguer advised that appointments for COVID-19 testing should be scheduled by visiting curative.com.

7. CONSENT CALENDAR

7-1. Minutes – February 7, 2022

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 2/11/2022: Net Amount \$317,306.38, Taxes/Benefits/Deductions \$341,409.85, Total Payroll \$658,716.23



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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 \$155,753.01 (2/4/2022), \$303,980.47 (2/11/2022)

Staff recommendation: Ratify

- 7-4.** 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. 2022-10, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

- 7-5.** Advisory Body Appointment/Resignation:

- Anne Benker appointed by Vice Mayor Tiedemann resigned from Financial Advisory Committee
- Michael Bowers appointed by Council Member McQuaid to the Arts Committee

Staff recommendation: Information Item

- 7-6.** Notification of Intent to Comply with Senate Bill 1383 to the California Department of Resources Recycling and Recovery

Staff recommendation: that the Council adopt Resolution No. 2022-11, authorizing the City Manager to Submit a Notification of Intent to Comply with SB 1383 to the California Department of Resources Recycling and Recovery

- 7-7.** Contract No. C22-12 with TJKM Transportation Consultants for the Albany Local Road Safety Plan

Staff recommendation: that the Council adopt Resolution No. 2022-12, authorizing the City Manager to execute Contract No. C22-12 with TJKM Transportation Consultants for the preparation of the Albany Local Road Safety Plan

- 7-8.** Ordinance No. 2022-01 Amending Albany Municipal Code, Chapter 8 (“Law Enforcement”) to Add Section 8-22 Entitled “Safe Storage of Firearms” – Second Reading, Pass-to-Print

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



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7-9. Sculpture Loan Program Artist Agreements

Arts Committee & staff recommendation: that the Council authorize the City Manager to enter into artist agreements with Jeff Downing and Keiko Nelson for the temporary installation of sculptures on loan on the Ohlone Greenway, and adopt Resolution No. 2022-13, setting the amount of the artist stipend for the Sculpture Loan Program to \$2,000

7-10. Pre-Litigation Settlement Agreement and Release of All Claims Among City of Albany, Southwest Voter Registration Education Project, and Voter Choice Albany

Staff recommendation: that the Council authorize City Manager to execute the Pre-Litigation Settlement Agreement and Release of All Claims Among City of Albany, Southwest Voter Registration Education Project (“SVREP”), and Voter Choice Albany (“VCA”). Authorize City Manager to make any minor, non-substantive edits as may be approved by the parties prior to execution

7-11. Letters of Support – Farm System Reform Act

Council Member Gary & Mayor Jordan recommendation: that the Council approve the Farm System Reform Act letters of support for submission

7-12. Opposing Initiative 21-0042A1

Council Member McQuaid & Mayor Jordan recommendation: that the Council adopt Resolution No. 2022-15, opposing Initiative 21-0042A1 and direct staff to send the Resolution to BallotMeasures@calcities.org and Samantha Caygill scaygill@calcities.org

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. Council Member Gary removed Item 7-11, Mayor Jordan removed Item 7-7, and Council Member Gary removed Item 7-8.

Item 7-7: Transportation & Sustainability Manager Justin Fried clarified that several the plans are tailored funding sources that are starting to require them. Staff has discussed being open to new projects as identified in the analysis, but several high injury network corridors are some in which staff has projects in the queue.

Item 7-8: City Attorney Mala Subramanian explained that direction from the Council would be needed to include data and language of solidarity for other cities.

A summary of public comment is as follows: AB (Assembly Bill) 2764 calling for the No More Factory Farms campaign has been introduced in the California State Legislature; inquiries regarding subcommittee training



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City Manager Almaguer advised that appointees receive online training provided to all advisory bodies at the beginning of the two-year term. Training includes topics of Brown Act, ethics, and other essential items for the productive participation of all advisory body members. All new appointees receive a link to the recorded training and meet with the staff liaison to the respective advisory body for an orientation.

MOTION:

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

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

NOES: None

Motion carried and so ordered.

8. PRESENTATION

8-1. Annual Comprehensive Financial Report (ACFR) and Annual Audit for FY 2020-21

Staff recommendation: that the Council:

1. Receive presentation of the results from the City's independent auditor's examination of the City's financial reports for fiscal year ending June 30, 2021;
2. Accept and file the reports; and
3. Adopt Resolution No. 2022-14 to reallocate and appropriate surplus General Fund fund balance

Chavan & Associates LLP Consultant Paul Pham presented financial results for the June 30, 2021, audit. Noncurrent liabilities increased mainly due to the City's Retiree Benefits Plan. The City had increases in contributions and taxes. Increased revenues on the expenditure side were used to provide additional services in general government, police, and fire. Net position decreased to \$24.2 million. The ending fund balance increased by \$2.3 million. The City reclassified two fiduciary funds from agency to custodial funds, increasing beginning net position. One finding was reported, which is improvement from previous years. Overall, Albany is in a healthy net position.

A summary of public comment is as follows: a request for audit reports to be presented to the Financial Advisory Committee prior to Council meetings; questions regarding unfunded pension liabilities; inquiries about budget amounts for public safety; a question regarding a direct audit of Berkeley Food and Housing spending for winter 2020.

Finance & Administrative Services Director Heather Rowden advised that a more in-depth analysis of the financial statements will be presented to the Financial Advisory Committee at the next meeting. The responsibility of the auditor is ensuring fairly presented financial statements.



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Chavan & Associates LLP Consultant Paul Pham explained that the City is in a pool, which has its own actuaries that evaluate overall liability of the pension plan. Calculation is the City's proportionate share of the pool. Additional contributions and trusts will help address the net pension liability reported. Interest rate, return on investment, and discount rate are interchangeable terms. Net pension liability is a net of the assets remaining for a plan.

Finance & Administrative Services Director Heather Rowden clarified that a restricted fund balance includes fund balance amounts constrained for a specific purchase. Measure B, Measure BB, and Measure F money from the Alameda County Transportation Commission (ACTC) is restricted because it must be used for road improvements, bike and pedestrian improvements, and paratransit. Unrestricted funds give the Council the ability to allocate.

A summary of Council comment is as follows: a preference for more discussion of reserve funds in the context of the budget; a suggestion to change the PDF title to "City of Albany."; only one audit finding for the City is impressive; asset reserve funding should be deferred for review; a preference for a longer timeline between when the report is received and the Council meeting; a suggestion to include a glossary of terms; suggestions to add a note explaining the increase in Other Post-Employment Benefits (OPEB) liability, .

MOTION:

Moved by Council Member Nason, seconded by Vice Mayor Tiedemann, to fund the climate action reserve fund at the amount recommended by staff based on revenue received, and increasing the allocation for a contribution to CalPERS by \$500,000 including the \$500,000 budgeted for a total of \$1,000,000, and referring the consideration of the rest of potential surplus allocation reserves to the Financial Advisory Committee to consider and make a recommendation.

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

NOES: None

Motion carried and so ordered.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Request for Qualifications (RFQ) – Racial Equity Survey

City Council Ad Hoc Committee recommendation: That the Council:

1. Authorize issuance of a Request for Qualifications (RFQ) to be submitted with 45 days to firms to perform a survey regarding racial equity,



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2. Establish a Council ad hoc committee to advise on outreach marketing the RFQ and evaluate responses to the RFQ with staff according to the criteria in the RFQ, and
 3. Refer the responses to the Social and Economic Justice Commission to evaluate via the same criteria and subsequently make a recommendation to the City Council

Mayor Jordan presented the staff report. This document was developed by the Ad Hoc Committee designated by Council with input from staff and the Social & Economic Justice Commission. Several changes were made to focus specifically on the survey instead of ancillary services. The company that performs the survey may have ideas about the type of priorities suggested in survey results.

Attorney Mala Subramanian advised that the language in the RFQ Submittal Requirements should be changed to clarify that preference will not be given to consultants based on racial considerations in relation to the Proposition 209 Constitutional Amendment prohibitions previously discussed.

A summary of public comment: appreciation for the work accomplished; numerous disenfranchised groups within the community should be represented on the committee; the Council should hire a multicultural firm; a suggestion to include Ohlone culture.

A summary of Council comment: a suggestion to keep the same subcommittee and bring the recommendation directly to Council; appreciation to the Ad Hoc committee for the work achieved; efforts will be made by SEJC to avoid using racially charged, dehumanizing language in the future; suggestion that reviewing the RFQ will be adequately handled by the Council ad hoc committee and recommend directly to Council; support for referring the responses to SEJC for evaluation.

The Council reached a consensus to rephrase the first element in the RFQ Submittal Requirements to “experience relating to potential survey respondents from a diversity of cultures.”

MOTION:

Moved by Mayor Jordan, seconded by Vice Mayor Tiedemann, to authorize issuance of a request for qualifications for racial equity survey services with a deadline for response within 45 days after issuance.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Vice Mayor Tiedemann, seconded by Council Member Gary, to establish an ad hoc committee consisting of Mayor Jordan and Council Member Gary, to advise on outreach marketing the RFQ and evaluate responses to the RFQ with staff.



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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Vice Mayor Tiedemann, seconded by Council Member Gary, to refer responses from the RFQ to SEJC to evaluate via the same criteria in the RFQ, and subsequently make a recommendation to the ad hoc committee for its consideration, and then subsequently make a recommendation to the Council.

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

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	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
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

Council Member Nason reported she attended a California Urban Streams Partnership, where Albany staff was awarded for efforts taken toward environmentally sensitive creek



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restoration. She also attended the Planning Policy and Legislation Committee of the Alameda County Transportation Commission (ACTC).

Council Member McQuaid reported she attended an Alameda County Housing Authority meeting and two League of California Cities (East Bay) policy meetings. In addition, she attended the Lunar New Year Celebration.

Council Member Gary reported she attended the Black History Program hosted by the middle school district, and the Lunar New Year Celebration.

Mayor Jordan reported he attended a meeting of the Salary Negotiation Committee for the board, where committee members came to an agreement with staff regarding a three-year Memorandum of Understanding (MOU). He also attended an East Bay Community Energy (EBCE) meeting and discussed greenhouse pollution emission factors. EBCE was approached by the City of Stockton.

13. FUTURE AGENDA ITEMS

Vice Mayor Jordan indicated there will be a Parks, Recreation & Open Space Commission meeting in March regarding an update on Albany Hill. The Transportation Commission will discuss road safety and motorist speeds during the February 24 meeting. Other future agenda items include election methods regarding school board, rank choice voting, and a resolution asking Metropolitan Transportation Commission (MTC) to reengineer StreetSaver to be complete streets compliant.

Council Member Nason requested a future agenda item on the Paving Condition Index (PCI) report.

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. Planning & Zoning Commission Meeting, Wednesday, February 23, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Transportation Commission Meeting, Thursday, February 24, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Social & Economic Justice Commission Meeting, Tuesday, March 1, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Economic Development Committee Meeting, Thursday, March 3, 5:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Meeting, Monday, March 7, 7:00 PM, Virtual Meeting via phone/video conferencing



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15. ADJOURNMENT

9:48 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Handwritten signature of Preston Jordan in cursive script.

Preston Jordan

Mayor

Attest:

Handwritten signature of Anne Hsu in cursive script.

Anne Hsu, City Clerk