



ALBANY CITY COUNCIL – MINUTES

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

Date approved: March 21, 2022

SPECIAL MEETING – CLOSED SESSION 6:30 PM

1. CALL TO ORDER/ROLL CALL

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

2. CLOSED SESSION

A summary of public comment is as follows: a suggestion to paint the cross on Albany Hill in different colors.

2-1. Conference with Real Property Negotiation

Government Code section 54956.8

Property: Maintenance Easement for Existing Cross on a Portion of Albany Hill Park located on west side of the 700 block of Taft Street, APN 066-2754-040-03

Agency Negotiators: Scott Dittfurth, City Attorney's Office

Negotiating Parties: Bob Nichols, Attorney for Albany Lions Club, Lions International

Under Negotiation: Price and Terms of Payment

2-1. Conference with Legal Counsel – Anticipated Litigation

Initiation of Litigation – (1 Case)

Government Code Section 54956.9(d)(4)

3. ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Mayor Jordan 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

Mayor Jordan reported no reportable action from the closed session.

4. CEREMONIAL MATTERS



ALBANY CITY COUNCIL – MINUTES

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

5. CITY MANAGER REPORT

City Manager Almaguer reported the Albany Food Assistance Program conducted by Albany CARES held a second grocery and essential items pickup on March 4, 2022. Phase II of the Washington Avenue Pavement Rehabilitation Project construction has begun and is expected to be completed in April 2022. The free screening of Speaking Truth to Power on February 22, 2022, was well attended. Albany's Poet Laureate has an open position, and information can be found at albanyca.org/arts. California unveiled the SMARTER Plan, which is the next phase of the state's COVID-19 response. A draft for the San Pablo Specific Plan is available at sanpablospecificplan.org.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: a suggestion to paint the cross on Albany Hill in different colors; appreciation for Council's efforts to resolve the cross issue; opposition to painting the cross different colors; Albany Democratic Club will host a candidate forum on March 17, 2022, and more information can be found at albanydemocraticclub.org; appreciation for Albany CARES and Project HOPE for providing housing to an individual in need.

7. CONSENT CALENDAR

7-1. Minutes – February 22, 2022

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 02/25/2022: Net Amount \$323,741.01, Taxes/Benefits/Deductions \$346,279.97, Total Payroll \$670,020.98

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 \$105,670.74 (2/18/2022), \$236,469.17 (2/25/2022)

Staff recommendation: Ratify

7-4. Advisory Body Appointment – Kathy Rai appointed by Vice Mayor Tiedemann to the Social & Economic Justice Commission

Staff recommendation: Information Item

7-5. Ratification of Recommended Advisory Body Appointment – Allen Kuo Recommended for Appointment by Vice Mayor Tiedemann to the Financial Advisory Committee



ALBANY CITY COUNCIL – MINUTES

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

Vice Mayor Tiedemann recommendation: Ratify

7-6. Proclamation – March for Meals Month

Staff recommendation: that the Council approve the Proclamation in honor of March 2022 as the 20th Annual March for Meals Month

7-7. Proclamation – Women’s History Month & International Women’s Day

Council Member McQuaid recommendation: that the Council approve the Proclamation in honor of March 2022 as Women’s History Month and March 8, 2022, as International Women’s Day in the City of Albany

7-8. Proclamation – Tibetan National Uprising

Council Member McQuaid & Mayor Jordan recommendation: that the Council approve the Proclamation in recognition of March 10, 2022, as the 63rd anniversary of Tibetan National Uprising and as “Tibet Day”

7-9. Letter of Support – AB 2764

Council Member Gary & Mayor Jordan recommendation: that the Council approve and submit the Letter of Support for AB 2764 Factory Farm/Slaughterhouse Moratorium

7-10. Letter of Opposition – AB 2808

Mayor Jordan recommendation: that the Council approve and submit the Letter of Opposition for AB 2808 Ranked Choice Voting Prohibition

7-11. Lighting of the Community Center Tower

Council Member McQuaid recommendation: that the Council approve to light the Community Center tower in blue and yellow in support of Ukraine

7-12. Department of Resources Recycling and Recovery SB 1383 Local Assistance Grant Program – Updated Resolution

Staff recommendation: that the Council adopt Resolution No. 2022-16, authorizing the City Manager to sign all grant-related documents necessary to implement and close-out the Department of Resources Recycling and Recovery (CalRecycle) funding from the SB 1383 Local Assistance Grant Program for a period of five years

7-13. 2022 Street Tree Planting – Authorization to Award Contract No. C22-17 to Arborist Now, Inc.



ALBANY CITY COUNCIL – MINUTES

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

Staff recommendation: that the Council adopt Resolution No. 2022-17, authorizing the City Manager to execute Contract No. C22-17 with Arborist Now, Inc. in a not-to-exceed contract amount of \$38,366

- 7-14.** Masonic Intersections (Ohlone Trail Safety Improvements) Project CIP No. 25007 – Award of Construction Contract No. C21-65 and Construction Management Services Contract No. C22-13

Staff recommendation: that the Council adopt Resolution No. 2022-18, authorizing the City Manager to:

1. Award Contract No. C21-65 to Ray's Electric to construct the Masonic Intersections (Ohlone Trail Safety Improvements) Project in the not-to-exceed amount of \$742,546; and
2. Execute Contract No. C22-13 with Swinerton Management and Consulting to provide construction management services for the not-to-exceed amount of \$128,780; and
3. Appropriate \$358,917 in additional budget from regional ACTC pass-through funding to the project, consisting of \$208,917 from Measure B Local Streets & Roads and \$150,000 from Measure BB Bicycle & Pedestrian funding

- 7-15.** Annual Pavement Rehabilitation Program (CIP No. 21000) Washington Avenue Pavement Rehabilitation Project – Phase 2, Approval of Contract Change Order No. 1 to Contract No. C21-49

Staff recommendation: that the Council adopt Resolution No. 2022-19, authorizing the City Manager to execute Contract Change Order No. 1 to Contract No. C21-49 with McGuire and Hester in the not-to-exceed amount of \$68,129 using funds previously appropriated as part of the City's Annual Pavement Rehabilitation Program (CIP No. 21000)

- 7-16.** Memorandum of Understanding (MOU) between the City of Albany and Service Employees International Union (SEIU), Local 1021

Staff recommendation: that the Council adopt:

1. Resolution No. 2022-20, approving the MOU between the City of Albany and SEIU; and
2. Resolution No. 2022-21, approving the updated salary schedule for City Employees

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. Council Member Gary removed Items 7-10 and 7-11, Mayor Jordan removed Items 7-8 and 7-13, and a member of the public removed 7-4, 7-5, 7-6, 7-7, 7-11, 7-14, 7-15, and 7-16.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, March 07, 2022

Item 7-8: Mayor Jordan reported the item is a proclamation regarding the 63rd anniversary of the Tibetan people rebelling against occupation by the People's Republic of China.

Item 7-10: Mayor Jordan reported that AB 2808 is in the legislature, and the legislative session ends in late September. The use of ranked choice voting could be at risk if the bill passes.

Item 7-11: City Manager Almaguer advised that the policy was adopted in 2020, with an initial installation cost estimate of approximately \$6,000. Installation of the lighting has been completed. Council will adopt a resolution with the lighting schedule each year in December. Implementation of the policy was delayed due to the COVID-19 pandemic.

Item 7-13: Mayor Jordan reported the list provided did not include Marin Avenue on either side of San Pablo. There is room for more trees to be planted along the landscape strip west of San Pablo. It is anticipated that additional trees will be planted along Marin Avenue where the undergrounding project was conducted.

Mark Hurley, Public Works Director/City Engineer, indicated that the objective is to engage a contractor and to provide flexibility to plant trees where possible. Trees that cannot be planted this year will be planted next year.

Item 7-14: Mayor Jordan reported the item regards a new signal at Masonic Avenue and Solano Avenue, and another at Marin Avenue and Masonic Avenue. The purpose is to improve safety for individuals using the Ohlone Greenway who cross both streets by placing a left turn signal for motorists on Masonic Avenue. Additionally, safety and function will be improved for motorists. The Transportation Commission has approved the design, but Council is responsible for the approval of funding.

Item 7-15: Mark Hurley, Public Works Director/City Engineer, clarified that the item is specific to the Buchanan Street and Jackson Street intersection. Efforts are made by staff to coordinate with other utilities.

Item 7-16: Mayor Jordan indicated that he will note the agenda item regards approving a new Memorandum of Understanding (MOU) for the next three years with employees represented by the Service Employees International Union (SEIU).

A summary of public comment is as follows: welcomed new members appointed to the advisory bodies (7-4, 7-5); Berkeley Food Pantry & Berkeley Food Network information available on City website (7-6); March 8, 2022 is International Women's Day (7-7); encouragement for City leaders to continue supporting the cause for Tibet (Item 7-8); a suggestion for the City to create and hang a banner on Solano Avenue to commemorate the event (Item 7-8); a suggestion to consider the International Dark Sky Movement, support for lighting the Community Center tower, Ukraine should not be the only country honored in the struggle for freedom, inquiries regarding the duration, source of funds for implementation, cost of the lighting, and alternative methods to help those in Ukraine,



ALBANY CITY COUNCIL – MINUTES

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

(Item 7-11); a living wage is established in Albany and a cost of living increase is incorporated into the living wage (Item 7-16).

A summary of Council comment is as follows: Resolution No. 2020-07 includes the language regarding recognition of events and holidays including global events; a preference to keep the global commemorative lighting to a minimum; a suggestion for the lighting to have a duration of one week.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to approve the consent calendar with the exception of Item 7-10 and Item 7-11.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to approve consent calendar Item 7-10 and Item 7-11.

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

NOES: Council Member Gary

Motion carried and so ordered.

8. PRESENTATION

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. Request from Community Task Force on Policing

Community Task Force on Policing recommendation: that the Council review the Public Safety Reform Initiative components outlined in the memo to incorporate Albany Police Safety Department

Staff recommendation: that the Council refer the item to the City Manager for further consideration of the request

Member Hamity from the Community Task Force on Policing (CTFP) was present to answer questions regarding the recommendations provided by CTFP.

A question was raised by the Council regarding the reasons and the legality of some of the recommendations.



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, March 07, 2022

City Attorney Mala Subramanian advised that prohibiting organizations associated with police from donating to campaigns is not legal, and the remaining items would require further analysis

Mayor Jordan indicated that information would be disclosed in campaign filings regarding members who accept funds from police organizations.

A summary of public comment is as follows: the importance of mental health support; a suggestion to continue the Community Task Force on Policing and explore crisis response together with SEJC; question regarding start up of Policing Commission; a request that the Task Force be given the opportunity to prepare a different type of report.

A summary of Council comment is as follows: a question regarding obtaining staff perspective on the recommendations; a suggestion to refer to staff to consider the status and options of mental health crisis response and return to Council; dividing the document and discussing different elements in separate meetings may be appropriate; a preference for Council to direct staff to explore mental health services provided; consider referring some recommendations to the Policing Commission; a suggestion to direct the City Manager to establish a mental health component; suggestion to authorize an additional meeting for the Task Force to complete the work relating to budget; appreciates the Task Force's work with report, recommendations are now at Council's level to review.

City Manager Almaguer advised that staff has been in a meet and confer regarding the upcoming Policing Commission with the Police Officer's Association as noted in the action by Council on this matter. Staff anticipates proceeding to Council in closed session at the upcoming meeting in March. Staff response to the recommendations proposed by the CTFP would be dependent upon the Council receiving the report from CTFP and Council providing policy direction to refer items of interest to the City Manager for additional analysis and implementation options.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Gary, to refer to staff a request for information and presentation on options to provide crisis response including consideration of the model that has been put forward by CTFP.

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

NOES: None

Motion carried and so ordered.

11-2. Electrification Rebate Program Proposal

Climate Action Committee recommendation: Develop the electrification rebate program and allocate \$40,000 of Measure DD funds per fiscal year towards implementation of the program



ALBANY CITY COUNCIL – MINUTES

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

Staff recommendation: that the Council authorize staff to create the electrification rebate program and utilize up to \$25,000 per fiscal year

Michelle Plouse, Community Development Analyst, presented the staff report. Council approved a City of Albany Climate Action and Adaptation Plan (CAAP) in 2019 with the goal of reaching net-zero carbon emissions by 2045. Natural gas from buildings accounts for 36% of emissions. The main strategy for decarbonization of the building sector is electrifying new and existing buildings and increasing carbon-free content of electricity. Heat pumps are all-electric and efficient alternatives that move heat instead of generating it. Heat pump heating, ventilation, and air conditioning (HVAC) installations are becoming increasingly popular in Albany, but there is still significant room for growth. Staff proposed a rebate program offering a \$1000 rebate for a heat pump HVAC installation, and a \$1000 rebate for an electrical panel upgrade when necessary for a heat pump HVAC installation. The amount is doubled for very low-income residents. Additionally, there is a \$500 signing bonus for contractors that register with BayREN (Bay Area Regional Energy Network). All permitted projects in Albany would be eligible and can be combined with other rebate programs. Funds are allocated from Measure DD revenues. Staff proposed an initial budget of \$25,000 per year, and the Climate Action Committee (CAC) proposed \$40,000 per year. Program benefits include prevention of 17 metric tons of carbon dioxide (MTCO²), easy implementation, and outreach awareness. Marin County, Redwood City, and Lompoc also have electrification rebate programs for heat pump HVACs, while Palo Alto and San Jose offer heat pump water heater (HPWH) rebates. Two existing programs in Alameda County are BayREN and TECH (Technology and Equipment for Clean Heating program), which both have some eligibility limitations. HVAC systems were the focus for the program because the cost barrier for water heaters is lower. HVAC rebates may help increase interest in other rebates. Electrical panels were added because panel upgrades can be a major barrier to electrification. Street Tree Planting, EV (Electric Vehicle) Charging Pilot, and rebate programs would increase the expense budget for climate programs by \$105,000.

The rebate for the panel would be offered only in conjunction with a heat pump HVAC rebate. Many electrical panel upgrades are occurring in the City and not all of them are intended for electrifying, so opening the program to all types of electrical panel upgrades could absorb much of the program's funding.

City Manager Almaguer indicated that a component funded by Measure DD became effective following Council action. Tree planting applications were collected over time, and the \$30,000 represents the amount incorporated once Council directed that Measure DD be used to fund them.

Michelle Plouse, Community Development Analyst, explained that the source of the incremental cost difference derived from permit data. The TECH subsidy applies to all heater types. The staff recommended a slightly higher budget than last year to assess how popular the program is, while the CAC considered budgeting for the goal desired.



ALBANY CITY COUNCIL – MINUTES

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

A summary of public comment is as follows: thanks to staff for a good report; rebates for a heating pump are more difficult to obtain; the program is excellent; the amount doubled should also apply for low-income; a suggestion for staff to produce flyers; support for the item; questions regarding grants for the City and construction jobs.

A summary of Council comment is as follows: a suggestion to start with \$20,000; Council has the capacity to go with \$40,000; support for the comment regarding the double subsidy bonus being available to low-income households; subsidies should be different for floor and wall heater replacements; a suggestion to include duct sealing.

MOTION:

Moved by Mayor Jordan, seconded by Council Member Nason, to authorize staff to develop an electrification rebate program and the program be budgeted \$40,000 for this year, \$1,500 subsidy for central heating, heat pump HVAC, and a \$750 subsidy for each wall and floor heater replacement with a heat pump, \$1000 subsidy for electrical panel upgrades when necessary for a heat pump installation (element per staff proposal), and that the subsidy be doubled for low income household, and \$500 signing bonus for contractors that register with BayREN (element per staff proposal).

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
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



ALBANY CITY COUNCIL – MINUTES

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

Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A
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Vice Mayor Tiedemann reported staff and Sogorea Te’ have had several meetings working on additional signage and opportunities for land stewardship. He also attended a meeting for the Home Together Plan in Alameda County. There is a Home Together document available online that the county recently passed.

Council Member Nason reported she attended an East Bay Sports Field Recreational Authority JPA meeting, where she learned that the agency is maintaining financial stability.

Council Member McQuaid reported participating in the Point-in-Time Count. She extended thanks to Neighborhood Services Coordinator Annemarie Heineman, Carol from Berkeley Food and Housing, and volunteers for the hard work. Additionally, she attended the EveryOne Home Leadership Board and a mixer.

Mayor Jordan reported he attended a StopWaste Programs and Administration meeting, where there was a presentation on the Bay Area Healthy Homes Initiative. Bay Area Regional Energy Network (BayREN) has a Multi-Residential Building Efficiency and Electrification Program to families with households where a member has asthma and/or the household is at high-risk of asthma. He also attended a Board of Supervisors meeting in Alameda County.

13. FUTURE AGENDA ITEMS

Council Member Gary requested future agenda items for the Shuumi Land Tax and outdoor dining, research for trees on Albany Hill, and potential Task Force authorization.

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, March 9, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Parks, Recreation & Open Space Commission Meeting, Thursday, March 10, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Arts Committee Meeting, Monday, March 14, 7:00 PM, Virtual Meeting via phone/video conferencing



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, March 07, 2022

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4. Climate Action Committee Meeting, Wednesday, March 16, 7:00 PM, Virtual Meeting via phone/video conferencing
 5. Charter Review Committee Meeting, Thursday, March 17, 7:00 PM, Virtual Meeting via phone/video conferencing
 6. City Council Meeting, Monday, March 21, 7:00 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

10:32 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting in memory of Community members Booker Jackson and Rob Nichols, who recently passed.

Minutes submitted by Anne Hsu, City Clerk.

Preston Jordan

Mayor

Attest:

Anne Hsu, City Clerk