



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, May 16, 2022

Date approved: June 6, 2022

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 McQuaid, and Nason, Mayor Jordan

Absent: Vice Mayor Tiedemann, Council Member Gary (arrived at beginning of Item 8-1, 7:55 p.m.)

Mayor Jordan shared a statement regarding the heartbreaking Buffalo, New York, domestic terrorism event. Hopefully, mankind can someday fully encompass love rather than hate.

3. REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY

1. CEREMONIAL MATTERS

4-1. Proclamation – Jewish American Heritage Month

Mayor Jordan presented the proclamation to Members of Jewish Gateways and Members of Congregation Or Zarua: Allen Samelson, Rabbi Briget Wynne, Laurie Kirkpatrick, Michelle Favreault, and Josh Wirtschafter. The recipients expressed appreciation for the recognition.

4-2. Proclamation – LGBTQIA Pride Month

Council Member McQuaid presented the proclamation to Britt Tanner, Katherine Kasameyer, and Liz Maker. The recipients expressed appreciation for the recognition.

4-3. Proclamation – National EMS (Emergency Medical Services) Week

Mayor Jordan presented the proclamation to Fire Chief Jim Boito and Fire Captain Tim Smyser. The recipients expressed appreciation for the recognition.

5. CITY MANAGER REPORT

City Manager Almaguer reported that Council and staff returned to virtual meetings as COVID-19 infections and the need for masking have increased. A virtual special meeting of the Council to consider a planning application for a mixed-use building at 1600 Solano Avenue is scheduled for June 1, 2022. The proposed project includes twelve units of housing and medical offices on the first floor. Albany Community Grocery Program filled sixty-seven grocery bags with food and eighty-eight bags with essential items during its fourth Grocery and Essential Items Giveaway on May 6, 2022. The program is made possible by funds from the City's American Rescue Plan Act. Contact by email at albanycares@albanyca.org or by phone at 524-9283 for more information. Homeowner exemption and renter rebate information is being distributed and applications for the rebates are due by June 1, 2022. The COVID Small Business Grant Program created to assist small businesses impacted by the pandemic has seen a strong response, visit



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albanyca.org/businessgrant to access the materials. Curative COVID-19 testing as administered outside of Alameda Community Center is now available every Tuesday and Thursday from 9:00 a.m. to 4:00 p.m., and more information is available at cur.tv.albany. Applications are being accepted by the Policing Commission, and information can be found at albanyca.org/advise. According to data from EveryOne Home's Point-in-Time Count, the number of individuals experiencing homelessness in Albany has decreased. Visit the EveryOne Home website to view the full report.

A summary of public comment is as follows: inquiries regarding the budget of the businesses, number of applications to be accepted, and source of the funding; an inquiry into the number of homeless individuals per month.

Mayor Jordan noted that the Point-in-Time Count is a not a count of people experiencing homelessness per month, but a specific early morning of a specific day. Council directed that \$1 million of American Rescue Plan Act funds that the City has received be made available for the COVID Small Business Grant Program.

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 about the Albany CARES housing placement services in the City; noted past accomplishments of the Social and Economic Justice Commission; participating in a commission or committee is a great way to become familiar with the City, get to know the community, and gain an understanding of how things operate.

7. CONSENT CALENDAR

7-1. Minutes – May 2, 2022

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 5/6/2022: Net Amount \$343,035.90, Taxes/Benefits/Deductions \$360,400.22, Total Payroll \$703,436.12

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 \$1,032,136.01 (4/29/2022), \$130,471.04 (5/6/2022)

Staff recommendation: Ratify

7-4. Advisory Body Resignations:

- Sierra Kenoly appointed by City Council as a Whole resigned from Social & Economic Justice Commission



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- Bart Grossman appointed by Council Member Nason resigned from Social & Economic Justice Commission

Staff recommendation: Information Item

7-5. Arts Committee City Council as a whole Appointment – Harsh Shah

Council Member Gary & Council Member McQuaid recommendation: that the Council ratify to appoint Harsh Shah as the City Council as a Whole appointment to the Arts Committee

7-6. 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. 2022-42, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

7-7. East Bay Regional Communications System Authority (EBRCSA) Radio Encryption

Staff recommendation: that the Council adopt Resolution No. 2022-43, approving the use of Citizens Option for Public Safety grant funds for the quoted amount of \$42,629.63 for the encryption of all police handheld and vehicular radios (51 in total) so that the department radios will meet California Department of Justice requirements

7-8. Contract Award (C22-32) to Zoon Engineering for Project Management Support for the San Pablo Avenue Pedestrian Improvements Project Phase I (CIP No. 24001/24010)

Staff recommendation: that the Council adopt Resolution No. 2022-44, authorizing the City Manager to execute contract C22-32 with Zoon Engineering in the not-to-exceed amount of \$90,960.00 to provide project management services for Phase I of the San Pablo Avenue Pedestrian Improvements Project from funds previously appropriated to the project as part of the City's Capital Improvement Plan (CIP No. 24001/24010)

7-9. Annual Sewer Rehabilitation Program (CIP No. 32000), 2021 Sanitary Sewer Rehabilitation Project – Various Locations (Contract No. C21-57) – Approval of Contract Change Order No. 1

Staff recommendation: that the Council adopt Resolution No. 2022-45:

1. Authorizing the City Manager to execute Contract Change Order No. 1 to Contract No. C21-57 in the not-to-exceed amount of \$1,378,994 using funds



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- previously appropriated as part of the City's Annual Sanitary Sewer Rehabilitation Program (CIP No. 32000); and
2. Appropriating \$3,000,000 from the Sewer Capital Fund (4002) for the Annual Sewer Rehabilitation Program (CIP No. 32000)

7-10. Flying of Progressive Pride Flag During Pride Month Annually

Staff recommendation: that the Council adopt Resolution No. 2022-46, authorizing the Progress Pride Flag to be flown each year during Pride Month June 1 – June 30 at Albany City Hall, Community Center, and the “Torch” (at Solano and Key Route)

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. A member of the public removed Items 7-4, 7-5, and 7-7.

Item 7-7: Heather Rowden, Finance & Administrative Services Director, advised that radio encryption is funded at the state level. The City gets money annually to be used for frontline policing expenditures that are not budgeted.

Mayor Jordan clarified that the grant funds will not be used to purchase new radios, but to upgrade the encryption software capabilities of existing equipment.

A summary of public comment is as follows: appreciation to Sierra Kenoly and Bart Grossman for serving on the Social & Economic Justice Commission (SEJC), and to Harsh Shah for joining the Arts Committee; an inquiry regarding whether the radio encryption expenditure is funded by a grant or by local tax dollars.

MOTION:

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

AYES: Council Members McQuaid and Nason, Mayor Jordan

NOES: None

ABSENT: Council Member Gary, Vice Mayor Tiedemann

Motion carried and so ordered.

8. PRESENTATION

8-1. Amendment to 2021-2023 Parks, Recreation & Open Space Commission Work Plan

Parks, Recreation & Open Space Commission recommendation & Staff recommendation: that the Council review proposed amendments to the Parks, Recreation & Open Space Commission 2021-2023 work plan and provide direction to the Parks, Recreation & Open Space Commission

Council Member Gary arrived at 7:55 p.m.



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Isabelle Leduc, Assistant City Manager/Recreation & Community Services Director, presented the staff report and introduced Brian Beall, Chair of the and recommended Parks, Recreation & Open Space (PROS) Commission.

Chair Beall reported the two proposed amendment items to be included in the work plan include funding for research, development standards, and guidelines for flex court integration, and research and development processes for the City and community to engage with community expert groups involved at the care, programming and upkeep of Albany Parks and Open Spaces.

Assistant City Manager/Recreation & Community Services Director Leduc advised that the item in the PROS Master Plan calls for a public directory for increased communication between community groups and local volunteers that participate in the maintenance of parks. Staff will work together with both subcommittees to ensure that the plan can be implemented.

Chair Beall explained that per government procedures, staff held hearings required to propose making the amendment and did receive input from community organizations, including Friends of Five Creeks and potentially Friends of Albany Hill.

A summary of public comment is as follows: a question about whether the Mountain Bike Park was still included in the work plan.

Mayor Jordan advised that the Mountain Bike Park Item is listed as Item 1D of the work plan under One-time Action Items (desired).

A summary of Council comment is as follows: a suggestion to amend the language of item 2 to "...to engage with community groups that support community expert groups providing direct support for the care, programming, and upkeep of the Albany Parks and Open Spaces."; groups should have been identified for the opportunity to see which community groups or if individuals were interested in collaborating; communicating with the community is useful for outlining effective and noneffective areas; the research and development process will be helpful; appreciation for providing a new template for the work plan.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to approve the proposed amendments to the Parks, Recreation & Open Space Commission 2021-2023 work plan with additional amendments provided by the City to include 1) research and development standards and guidelines for flex court integration, and 2) research and development processes for the City and community to engage with and support the community expert groups involved at the care, programming, and upkeep of Albany Parks and Open Spaces.

AYES: Council Members McQuaid and Nason, Mayor Jordan

NOES: Council Member Gary



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ABSENT: Vice Mayor Tiedemann
Motion carried and so ordered.

8-2. Quarterly Financial Update and Appropriation of General Fund Reserves

Staff recommendation: that the Council:

1. Receive a report on the status of the City's finances through March 31, 2022;
2. Appropriate \$28,250 of general fund reserve monies for a contribution to the Sogorea Te' Land Trust; and
3. Approve resolution 2022-47 A Resolution of the Albany City Council to Amend the General Fund Reserve Policy to add language to consider a contribution to the Sogorea Te' Land Trust on an annual basis

Heather Rowden, Finance & Administrative Services Director, presented the staff report and summarized the fiscal year (FY) 2021-22 Quarterly Financial Update, the City's future financial status with an update on the FY 2022-23 budget, and general fund reserves. As of March 31, 2022, salaries and benefits are currently at 73.7% spent. Budgeting is closer to actuals year-over-year (YOY). Without California Public Employees' Retirement System (CalPERS) unfunded auxiliary liability (UAL) payment, salaries are still at 69.96% of budget. All other expenses are at 58.9% spent, and some may remain unspent due to budget planning for worst-case scenarios. Revenues are tracking with the budget. The City budgeted a \$1.7 million deficit and revenues were higher than anticipated. Year-end actuals forthcoming. A total of \$4.7 million of American Rescue Plan Act (ARPA) funds has been allocated to the City, of which \$2.3 million has been received thus far. FY 2022-23 budget was approved as part of the biennial budget in FY 2021-22. The deficit increased primarily due to CalPERS UAL, anticipated increased insurance costs, and salaries and benefits. FY 2023-24 and 2024-25 goals are to reduce the budgeted deficit, refocus on core services, plan for ongoing use of revenues generated on an annual basis, and refer to the Council General Fund Reserve Policy for potential use of any surplus funds. Staff suggested the allocation of the excess over the general fund reserve of 25%. To pay the \$28,000 donation for FY 2021-22, staff recommend an additional appropriation of general fund reserve monies.

The \$300,000 for maintenance and improvement of the Albany Bulb is part of the general fund reserve balance that is considered unavailable for other use. In municipal accounting, there is a difference between being restricted and being unavailable for further use. The CalPERS payment was \$2.1 million in 2021, \$2.8 million in 2022, and is forecast to increase to \$3.1 million in 2023.

City Manager Almaguer announced that Berkeley Food and Housing Project will present to Council soon. The funding allocation was approved by the Council to provide additional funds to fill a gap in funding for overall service programming and human services.

A summary of public comment is as follows: a question about the food services that Berkeley Food and Housing provides to Albany; requests for information regarding when



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the FY 2021-22 audit will be presented, whether unfunded auxiliary liabilities are the same as unfunded pension liabilities, and the total amount of the unfunded pension liability; incorporating the amount whenever the term unfunded pension is mentioned in the report would be beneficial; the City must consider whether it has sufficient funds for the Shuumi Land Tax contribution; payment should come from sources that are commercial growth industries.

Heather Rowden, Finance & Administrative Director, explained that the total amount of unfunded CalPERS liability is a moving target presented in the audit each year and in the auxiliary reports provided by CalPERS. The latest total for all City plans was approximately \$36 million. Unfunded auxiliary liabilities and unfunded pension liabilities are synonymous. Auditors will be on-site in June to begin the audit and anticipate finishing by December 31, 2022.

A summary of Council comment is as follows: Council needs to consider a meeting with Berkeley Food and Housing regarding services given; a preference to vote for the appropriation for the current year, but not the change to the reserve policy; a contribution for the organization's general operating expenses is appropriate; Council needs to ensure that gifts made are benefiting not just a non-profit but the City.

MOTION:

Moved by Council Member Nason, seconded by Council Member McQuaid, to appropriate \$28,000 of general fund reserve monies for a contribution to the Sogorea Te' Land Trust.

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

NOES: None

ABSENT: Vice Mayor Tiedemann

Motion carried and so ordered.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. FY2022-2023 Staffing Update and Salary Schedule update for City Employees

Staff recommendation: that the Council:

1. Receive a presentation regarding current staffing levels;
2. Approve Resolution No. 2022-48, Appropriating Funds for Fiscal Year 2022-23 Staffing Changes; and
3. Approve Resolution No. 2022-49, Updating the Salary Schedule for City Employees

Heather Rowden, Finance & Administrative Services Director, presented the staff report and provided an update on staffing for FY 2022-23. Staff is requesting new positions in



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the Recreation, Risk Management, and Public Works departments, and updates to the salary. Recreation is seeking an additional Recreation Coordinator II position to support current programs, and a second Recreation Coordinator II position would be needed to address ongoing interest for additional community events. An appropriation of \$140,000 is being requested for salaries and benefits regarding a new Management Analyst position for risk management. Additionally, Public Works is seeking the addition of a Project Manager, which is essential to the ongoing management of discretionary projects. Albany Fire Fighters' Association (AFFA) Memorandum of Understanding (MOU) calls for a 3.5% increase to members' salaries the first full pay period after July 1, 2022. Staff also requests that a sixth step be added to the Management and Unprecedented Employee salaries to be consistent across employee groups.

City Attorney Mala Subramanian indicated that many unfunded mandates have been imposed, so no funding should be anticipated regarding the reporting requirements specific to police.

A summary of public comment is as follows: a question about whether any Measure FF funds are being used to fund any City employees; a question regarding whether salaries, benefits, and pensions are included in the \$140,000 appropriation for the Risk Management portion of the budget; a financial impact is needed on the 3.5% AFFA salary increase; a question about the financial impact of the sixth step.

Heather Rowden, Finance & Administrative Director clarified that the amounts provided for each of the positions include the salary and benefits.

Mayor Jordan noted that the Project Manager's first step is \$104,000 per year. The employee would likely be an engineer and hiring for much less would be difficult. \$150,000 for the sixth step would be a cost estimate that would immediately accrue due to staff already qualified to be in that step. There is a difference of 5% between the fifth step and the sixth step.

A summary of Council comment is as follows: a preference that Council put the second Recreation position on hold until more longer-term financial information is provided; two of the five positions are within existing appropriations; expressed regret that Council has supported outside organizations but additional City staff for community events.

MOTION:

Moved by Council Member McQuaid, seconded by Mayor Jordan, to extend the meeting to 11:00 p.m. to include all remaining items.

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

NOES: None

ABSENT: Vice Mayor Tiedemann

Motion carried and so ordered.



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MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to 1) adopt Resolution No. 2022-48, appropriating funds for Fiscal Year 2022-23 staffing changes, and 2) Resolution No. 2022-49, updating the salary schedule for City employees, less the second recreation coordinator position.

AYES: Council Member McQuaid and Nason, Mayor Jordan

NOES: Council Member Gary

ABSENT: Vice Mayor Tiedemann

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
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

Council Member Nason reported she attended Alameda County Transportation Commission (ACTC) meetings of the Finance & Administrative Committee, and Programs & Projects Subcommittee. Additionally, she attended a presentation from StopWaste regarding its budget.

Council Member McQuaid reported she attended two Policy Committee meetings of the League of California Cities (East Bay). She also attended the Affordable Housing Week event hosted by East Bay Housing Organizations, Albany High School Art Show, and East Bay's City Leaders Summit event.



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Council Member Gary reported she met with a crossing guard on Solano Avenue, during which there was a discussion regarding safety. It is imperative that Council take action to ensure the safety of its crossing guards.

Mayor Jordan reported he attended an Alameda County Mosquito Abatement District meeting regarding the review of investment strategy for some of its funds, including a Pension Stabilization Fund (PSF).

A summary of public comment is as follows: an inquiry concerning the possibility of a future report on Alta Bates Hospital.

Mayor Jordan advised that the Alta Bates Task Force has not been meeting.

13. FUTURE AGENDA ITEMS

Mayor Jordan announced a future agenda item regarding crossing guard safety on Solano Avenue and Marin Avenue.

Council Member Nason requested items on the recreation position and the Caltrans plan for the portion of the right-of-way across Buchanan Street

Council Member Gary requested items concerning a report on internship projects, an update on Madison Avenue rat infestation, and the Sugar Sweetened Beverage (SSB) Tax potentially for the Gill Tract Community Farm, Albany Hill fire prevention next steps, updates to the safety concerns on Pierce Street, Waste Management negotiations, and light fixture cleaning.

A summary of public comment is as follows: a request for future agenda items regarding school zones and a sugar sweetened food tax.

Mayor Jordan advised that school zones are in the workplan for the Transportation Commission.

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. Climate Action Committee Meeting, Wednesday, May 18, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Charter Review Committee Meeting, Thursday, May 19, 7:00 PM, Virtual Meeting via phone/video conferencing



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3. Planning & Zoning Commission Meeting, Wednesday, May 25, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Transportation Commission Meeting, Thursday, May 26, 7:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Special Meeting, Wednesday, June 1, 7:00 PM, City Hall Council Chambers
6. Economic Development Committee Meeting, Thursday, June 2, 5:00 PM, Virtual Meeting via phone/video conferencing
7. City Council Meeting, Monday, June 6, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

11:00 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in black ink, appearing to read "Preston Jordan", written over a horizontal line.

Preston Jordan
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Hsu", written over a horizontal line.

Anne Hsu, City Clerk