



**Albany City Council**  
Virtual Meeting  
Albany, CA 94706  
Tuesday, June 21, 2022

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## **AGENDA**

Tuesday, June 21, 2022, **6:00 PM**

\*\*\* NOTE MEETING on TUESDAY & EARLY START TIME \*\*\*

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### **COVID-19 NOTICE – PUBLIC MEETING GUIDELINES**

Consistent with California Assembly Bill 361, given the proclaimed state of emergency and the Alameda County Health Care Services Agency Director’s recommendation for continued social distancing for public meetings, which is also consistent with CalOSHA requirements for social distancing, the City Council will be participating in City Council meetings via phone/video conferencing. The public is invited to participate via the methods below:

#### **How to watch or listen to the meeting:**

1. Meetings are streamed live and recorded for viewing on City website [www.albanyca.org/meetings](http://www.albanyca.org/meetings) or on YouTube ([www.YouTube.com/AlbanyKALB](http://www.YouTube.com/AlbanyKALB))
2. To observe the meeting by video conference, please go to <https://zoom.us/s/97970114482>.
3. To listen to the meeting by phone, please call 1 (669) 900-9128, then enter **Webinar ID 979 7011 4482**, follow by #. When asked for a participant ID, press # again.

#### **How to submit Public Comment:**

1. Members of the public may submit comments in writing by emailing the City Council [citycouncil@albanyca.org](mailto:citycouncil@albanyca.org) with the Agenda item number clearly identified in the subject line of the email. Comments may also be submitted by mail to City of Albany – Meeting Comments, 1000 San Pablo Avenue, Albany, CA 94706. All written comments received by 5 PM on the day of the meeting will be provided to the City Council before the meeting and posted on the website. Other written comments received after 5 PM will still be provided to the City Council and be included as part of the meeting record.
  2. To comment by video conference, click the “Raise Your Hand” button to request to speak during public comment period. You will be asked to unmute yourself when it is your turn to make your comment. After the allotted time, you will then be re-muted.
  3. To comment by phone, you will “Raise Your Hand” by pressing \*9 to request to speak during public comment period. When it is your turn to make your comment, you will be asked to unmute yourself by pressing \*6. You will be re-muted after the allotted time.
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**1. CALL TO ORDER / ROLL CALL**

The following Land Acknowledgement Statement shall be read at the beginning of each City Council meeting and Advisory Body meeting per Albany City Council Minute Action, November 15, 2021.

“The City of Albany recognizes that we occupy the land originally protected by the Confederated Villages of Lisjan. We acknowledge the genocide that took place on these lands and must make strides to repay the moral debt that is owed to this indigenous people, specifically the Ohlone Tribe. We thank them for their contributions which have transformed our community, and will continue to bring forth growth and unity. The City of Albany commits to sustaining ongoing relationships with the Tribe and together build a better future for all that now make this their home.”

**2. CLOSED SESSION**

Opportunity for the public to speak on Closed Session item prior to Council adjourning to Closed Session on the following:

- 2-1.** Conference with Labor Negotiators Pursuant to Government Code Section 54957.6:

City Negotiator: Mayor Preston Jordan

Unrepresented Employee: City Manager Nicole Almaguer

**STARTING NO EARLIER THAN 7:00 PM**

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

No public comment will be taken.

**4. CEREMONIAL MATTERS**

- 4-1.** Presentation of National Association of Clean Water Agencies Award to the City of Albany

**5. CITY MANAGER REPORT**

The City Manager provides verbal and/or written reports regarding matters of interest to the Council.

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

For persons desiring to address the City Council on an item that is not on the agenda. Please note that City policy limits each speaker up to three (3) minutes.

The Mayor may reduce the time limit per speaker depending on the number of speakers. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

Comments related to items appearing on the agenda are taken up at the time the City Council deliberates each action item. The Mayor will announce when the period for public comment is open on each agenda item.

## **7. CONSENT CALENDAR**

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.

- 7-1.** Minutes – June 1, 2022  
Minutes – June 6, 2022

Staff recommendation: Approve

- 7-2.** Ratification of Payroll – Date Paid 6/3/2022: Net Amount \$345,973.59, Taxes/Benefits/Deductions \$368,709.86, Total Payroll \$714,683.45

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 \$101,346.90 (6/3/2022), \$301,715.90 (6/10/2022)

Staff recommendation: Ratify

- 7-4.** Advisory Body Resignation:

- Harshita Mira Venkatesh appointed by Vice Mayor Tiedemann resigned from the Climate Action Committee
- Kathy Rai appointed by Vice Mayor Tiedemann resigned from the Social and Economic Justice Commission

Staff recommendation: Information item

- 7-5.** Advisory Body Appointment:  
Appoint Robin Lopez to the Social & Economic Justice Commission for the City Council as a Whole Vacancy

Mayor Jordan recommendation: Ratify

**7-6. Proclamation – Support of Stronger Gun Safety Law**

Council Members McQuaid & Nason recommendation: that the Council call on the Senate to act now on gun safety passing a red flag law and to call on our federal and state legislators to work with us to recognize and address the underlying physical, social, economic, and structural conditions known to increase firearm homicide and suicide risks

**7-7. 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. 2022-63, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

**7-8. Adoption of Update to the Appropriation Limit**

Staff recommendation: that the Council adopt Resolution No. 2022-64, establishing the Appropriation Limit for the 2022-23 fiscal year at \$28,401,163

**7-9. Proposed Authorized Adjustments to Local Taxes and Fees Collected on the Property Tax Bill - Library Services Act of 1994; Supplemental Library Services Act of 2006, Emergency Medical Services Program; Paramedic Advanced Life Support Tax; 2006 Street Paving and Storm Drain Improvement Tax, Sidewalk Parcel Tax; 2018 Parks and Open Space Parcel Tax; and Sewer Service Charges for FY 2022-2023**

Staff recommendation: that the Council:

1. Determine whether any changes to the recommended rates are desired; and
2. Adopt Resolution No. 2022-65, confirming Fiscal Year 2022-2023 rates applied to the City of Albany Special Taxes and Fees collected on the annual property tax bill

**7-10. Fiscal Year 2022-2023 Tax Rate for the Pension Override Tax**

Staff recommendation: that the Council adopt Resolution No. 2022-66, approving the FY 2022-2023 (July 1, 2022-June 30, 2023) tax rate for the pension override tax to fund City of Albany Public Safety pension obligations

**7-11. Annual Sidewalk Rehabilitation Program (CIP No. 22000) – Award of Construction Contract No. C22-14**

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

67, authorizing the City Manager to award Contract No. C22-14 to MCE Corporation for construction of the Phase 5 Project for the not-to-exceed amount of \$249,450 using funds previously appropriated for the Annual Sidewalk Rehabilitation Program (CIP No. 22000)

- 7-12.** Annual Street Rehabilitation Program (CIP No. 21000) – Marin Avenue Pavement and Curb Ramp Rehabilitation Project – Phase 1: Approval of Contract Change Order (CCO) No. 5 to Contract No. C21-49

Staff recommendation: that the Council adopt Resolution No. 2022-68, authorizing the City Manager to execute Contract Change Order (CCO) No. 5 to Contract No. C21-49 in the amount of \$1,883,404.00 using funds previously appropriated as part of the City’s Annual Street Rehabilitation Program (CIP No. 21000)

## **8. PRESENTATION**

- 8-1.** Fiscal Year 2022-23 Contract with the County of Alameda for Additional Library Services

Staff recommendation: that the Council:

1. Receive a presentation from Alameda County Library; and
2. Adopt Resolution No. 2022-69, authorizing the City Manager to enter into an agreement with the County of Alameda for additional library services for Fiscal Year 2022-23 in the amount of \$725,440

- 8-2.** FY 2023 & FY 2024 Contract with Berkeley Food and Housing Project (BFHP) for Albany Project HOPE – Housing Opportunities Expanded

Staff recommendation: that the Council:

1. Receive presentation from Berkeley Food & Housing Project (BFHP) on Albany Project HOPE – Housing Opportunities Expanded; and
2. Adopt Resolution No. 2022-70, authorizing the City Manager to enter into Contract No. C22-39 with Berkeley Food & Housing Project for Fiscal Years 2023 and 2024 at a cost not to exceed \$1,252,272 for the provision of services for Albany Project HOPE - Housing Opportunities Expanded, the City’s homeless outreach, engagement and housing navigation program, including expansion services in the amount of \$500,000 approved on November 1, 2021 for the COVID Public Assistance Program

## **9. PUBLIC HEARING**

- 9-1.** Public Hearing on the Levy of Assessments within Assessment District No. 1988-1 for Fiscal Year 2022/23 Pursuant to the Landscaping and Lighting Act of 1972

Staff recommendation: that the Council adopt Resolution No. 2022-71, confirming the Diagram and Assessment, levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2022/23 (pursuant to the Landscaping and Lighting Act of 1972) and ordering of the Levy to be placed on the Fiscal Year 2022/23 secured property tax roll

- 9-2.** Amendment of the City of Albany Master Fee Schedule

Staff recommendation: that the Council adopt Resolution No. 2022-72, amending the City of Albany Master Fee Schedule

## **10. UNFINISHED BUSINESS**

- 10-1.** FY2022-2023 Sugar-Sweetened Beverage Tax Expenditure Plan

Staff recommendation: that the Council:

1. Review the proposed expenditure of proceeds from the Sugar-Sweetened Beverage Tax; and
2. Determine whether to allocate funding to any other items as noted including: Bicycle Path Improvements adjacent to the SAHA (Satellite Affordable Housing Associates) Housing development, BikeLink lockers at Albany Waterfront, distribution of reflector jackets for walking safety/safety, and funding for the Gill Tract Community Farm for incorporation into Resolution No. 2022-73; and
3. Adopt Resolution No. 2022-73, approving the FY 2022-2023 Sugar-Sweetened Beverage Tax Expenditure Plan

## **11. NEW BUSINESS**

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

Council Subcommittees report, if they have met, and Council Members provide reports on any local, state or regional government meetings at which they have represented the City of Albany. Council members may provide reports on any meetings and/or community events and activities they have attended or plan to attend that they believe may be of interest to the Council, staff, or public. The Mayor may invite citizens who represent Albany at such meetings to report as well.

Council Members are encouraged to provide staff with links and/or a written report of meetings attended in advance of the posting of the Council agenda to include with the agenda materials. The Council shall have the authority to take action regarding any agendized written recommendations provided under this agenda category as needed.

<b>City Council Appointed Representation Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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

**13. FUTURE AGENDA ITEMS**

Council Members and City Manager note upcoming agenda items that may be of interest to the Council, staff, or public. Council Members may request that items be placed on a future agenda.

**14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS**

Information available on City website <https://www.albanyca.org/our-city/city->

[calendar](#) City Calendar web page. No public comment will be taken.

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

1. Independence Day – Monday, July 4, 2022 (City Offices Closed)

#### Upcoming City Meetings

1. Planning & Zoning Commission Meeting, Wednesday, June 22, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Transportation Commission, Thursday, June 23, 7:00 PM, Virtual Meeting via phone/video conferencing
3. City Council Meeting, Tuesday, July 5, 7:00 PM, Virtual Meeting via phone/video conferencing (due to Independence Day on Monday)

## 15. ADJOURNMENT

Per City Council Resolution No. 2021-13, no Council meeting shall continue past 10:30 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 10:30 p.m. shall include a list of specific agenda items to be covered. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular meeting or by a two-thirds majority vote of the Council to an adjourned regular meeting.

The Council agenda is posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: [www.albanyca.org](http://www.albanyca.org). Supporting documents and any public comments received will be made available for public inspection online or via email request. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk's Office at 1 (510) 528-5710 or [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org).

Please note that if you provide your name and address when speaking before the City Council or submitted as part of your written public comment, the information will become part of the official public record, which will be posted online and subject to disclosure under the Public Records Act.

## NOTICE

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.



The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 1 (510) 528-5710. Notification 48 hours prior to the meeting where possible will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting where possible. Request should be sent to: [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.