



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Monday, June 6, 2022

Date approved: June 21, 2022

SPECIAL MEETING – CLOSED SESSION 6:00 PM

1. CALL TO ORDER/ROLL CALL

Council Member Nason read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

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

Absent: None

2. CLOSED SESSION

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

City Negotiator: Mayor Preston Jordan

Unrepresented Employee: City Manager Nicole Almaguer

A summary of public comment is as follows: review of the City Manager should be available to the public.

Mayor Jordan advised that Council will meet in closed session because labor and contract negotiations are matters that require a closed session.

Council Member McQuaid clarified that repeating an incorrect statement is a disservice to the City of Albany (City).

REGULAR SESSION - STARTING NO EARLIER THAN 7:00 PM

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

Mayor Jordan reported no reportable action from the closed session.

4. CEREMONIAL MATTERS

4-1. Proclamation – Elder Abuse Awareness Month

Vice Mayor Tiedemann presented the proclamation to Cheryl Poncini, Alameda County Deputy District Attorney Elder Protection Unit; Lisa Brand, Alameda County Adult Protective Services Supervisor; and Maria Palazzolo, Staff Attorney for Legal Assistance for Seniors. The recipients expressed appreciation for the recognition.

4-2. Proclamation – Juneteenth

Council Member Gary presented the proclamation to Tiffany Austin. The recipient expressed appreciation for the recognition.



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5. CITY MANAGER REPORT

City Manager Almaguer reported that registered voters may drop off ballots at Vote Centers in Albany, including a 24-hour Drop Box located at City Hall. Additional information is available at acvote.org. Albany provided free indoor waste sorting containers to thirty local businesses, and a second round of applications are now being accepted. Visit albanyca.org/recycle to learn more. Heat pump heating, ventilation, and air conditioning (HVAC) system rebates are available on the City website. Albany Community Access to Resources and Services (CARES) Tax Exemption and Rebate In-Person Help Center Event was held on May 25, 2022, and postcards were mailed Citywide to every Albany address. Albany CARES has received over one hundred emails and phone calls during the application period. Thanks to Council for allocating funds for the Community Grocery Program funded by short-term funds of the American Rescue Plan Act of 2021. Ninety bags of groceries and one hundred twenty essential bags of items were distributed. Albany Friendship Club ended on June 3, 2022, and information regarding summer camp is located on the City website. The 4th of July Concert in the Park Event will take place at Memorial Park. Albany residents are encouraged to apply for Advisory Body vacancies at albanyca.org/advise. Ohlone Territory Sign Celebration recognizing the thirteen installed Ohlone Territory signs was a great event. Applications for the COVID-19 Small Business Assistance Program are currently being reviewed. Pride Flags are being flown at City facilities throughout the month of June in recognition of Pride Month. Alameda County Public Health has reinstated the indoor masking mandate.

A summary of public comment is as follows: a question concerning the number of voting precincts within the City.

Mayor Jordan advised that Albany had thirteen precincts in the past, but two in-person Vote Centers are available this year.

City Clerk Anne Hsu advised that there are two accessible four-day Vote Centers for registered voters to drop off ballots or vote in-person as well as a 24-Hour Drop Box to drop off ballots. Registered voters whose names are not on the list may request a provisional ballot at the Vote Center.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: inquiries on the number of public attendees at the meeting, support for the Civics Academy; a suggestion to visit Cerrito Creek at the foot of Albany Hill; Citizen Science Pioneering Project is expected to begin in July and will install Bluetooth-enabled, waterproof data loggers that monitor environmental conditions; an urgent request that Council represent constituents in Albany by penalizing the Golden Gate Fields horse racing track.

Council Member Gary requested that an update be provided to the public regarding the infestation on Madison Avenue and how the mitigation efforts are progressing.



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7. CONSENT CALENDAR

- 7-1. Minutes – May 16, 2022
Minutes – May 23, 2022

Staff recommendation: Approve

- 7-2. Ratification of Payroll – Date Paid 05/20/2022: Net Amount \$346,513.58, Taxes/Benefits/Deductions \$370,276.37, Total Payroll \$716,789.95

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 \$129,007.96 (5/13/2022), \$1,135,807.42 (5/20/2022), \$303,425.75 (5/27/2022)

Staff recommendation: Ratify

- 7-4. Advisory Body Resignation:
- Michael Petrilli appointed by Council Member Gary resigned from the Economic Development Committee

Staff recommendation: information item

- 7-5. Proclamation – Immigrant Heritage Month

Council Member McQuaid recommendation: that Council recognize June 2022 as Immigrant Heritage Month

- 7-6. Proclamation – Loving Day

Council Member McQuaid recommendation: Council recognize June 12, 2022 as Loving Day in the City of Albany

- 7-7. Resolution Denouncing Racism, Violence, and Intolerance Against Blacks/African Americans

Council Member Gary recommendation: Council adopt Resolution No. 2022-61, denouncing racism, violence, and intolerance against Blacks/African Americans

- 7-8. Resolution Condemning Acts of Violence Against Children

Council Member Gary recommendation: that the Council adopt Resolution No. 2022-62, condemning acts of violence against children



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7-9. Albany Creative Justice Art Project Panelist Stipend

Arts Committee recommendation: City Council authorize a total of \$1,500 (3 individual payments of \$500 each) for 3 experts to serve on the selection panel for the Albany Creative Justice Art Project. The amount is to be paid from the Art in Public Places fund as specified in the Albany Public Art Master Plan

Staff recommendation: Council adopt Resolution No. 2022-52, allocating \$1,500 from the Art in Public Places fund for stipends for 3 panelists with expertise in public art to review submissions received for the Albany Creative Justice Art Project

7-10. Fire Department Purchases of New Monitor/Defibrillators and Emergency Communications Equipment

Staff recommendation: Council adopt Resolution No. 2022-53:

1. Authorizing the appropriation of \$261,673.74 from the Fire Department Reserve Fund (2205) and \$106,852.43 from the Emergency Medical Services (EMS) Reserve Fund (2204) for the purchase of new monitor/defibrillators and emergency communications equipment; and
2. Authorizing the City Manager to execute an agreement to purchase the following: three LIFEPAK 15 V4 fully equipped monitor/defibrillators from Styker Medical for \$106,852.43; 25 Motorola portable radios from Motorola Solutions for \$ 255,108.08; and two KNG-M150RM mobile radios from Silverado Avionics for \$ 6,565.66 using appropriated reserve funds

7-11. Annual State SB1/RMRA Project List Submittal for Funding by the Road Repair and Accountability Act of 2017

1. Staff recommendation: Council adopt Resolution No. 2022-54:
 - Authorizing staff to submit the following proposed project to be funded in-part or solely with Fiscal Year 2022-23 Road Maintenance and Rehabilitation Account (RMRA) revenues:
 - Project Title: Marin Avenue Pavement Rehabilitation Project
 - Project Description: The project consists of rehabilitation of a main arterial street, including three-quarters of a mile of paving, curb ramps, bulbouts, drainage improvements, striping and signage improvements, bikeway improvements, and green infrastructure.
 - Project Location: Marin Avenue between Cornell Avenue and Tulare Avenue (City Limits)
 - Estimated Project Schedule: Phase 1: Start 9/2022 – Completion (11/2022); Phase 2: Start 3/2023 – Completion (9/2023)
 - Estimated Project Useful Life: approximately 30 years
2. Appropriating the City's estimated FY22-FY23 RMRA allocation of \$410,530 to the Annual Street Rehabilitation Program (CIP No. 21000)



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7-12. US EPA (United States Environmental Protection Agency) Consent Decree Regulatory Compliance (CIP No. 51010)

Staff recommendation: City Council adopt Resolution No. 2022-55, appropriating \$50,000 from the Buildings Reserve Fund (2007) to the City Buildings Upper Sewer Lateral Project (CIP No. 51010) for investigation and as-needed repairs or rehabilitation of City-Owned upper sewer laterals

7-13. Kains Avenue/Adams Street Bicycle Boulevard Pilot Project (CIP No. 25010) – Award of Construction Contract No. C22-27

Staff recommendation: City Council adopt Resolution No. 2022-56, authorizing the City Manager to award Contract No. C22-27 to Bayside Stripe & Seal, Inc. to construct the Project for the not-to-exceed amount of \$138,058 from previously appropriated funds under CIP Project No. 25010

7-14. Annual Pavement Rehabilitation Program (CIP No. 21000)
Contract No. C21-10: Contract Amendment #3 for Marin Pavement Rehabilitation Project Phase 1 – Drainage Improvement Design

Staff recommendation: City Council adopt Resolution No. 2022-57, authorizing the City Manager to execute Contract Amendment #3 to Contract #C21-10 to CSG Consultants, Inc in the amount of \$79,880 for drainage improvement design services using funds previously appropriated for the Annual Street Rehabilitation Program (CIP No. 21000)

7-15. Initiating Proceedings, Approval of Annual Reports, and Intention to Levy and Collect Assessments in Assessment District No. 1988-1 for Fiscal Year 2022/23, and Setting a Public Hearing for June 21, 2022

Staff recommendation: that the Council:

1. Adopt Resolution No. 2022-58, Initiating Proceedings for the Levy and Collection of assessments for the Landscaping and Lighting Assessment District 1988-1 for Fiscal Year 2022/23.
2. Adopt Resolution No. 2022-59, Approving the Annual Report for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2022/23.
3. Adopt Resolution No. 2022-60, A Resolution of Intention to Levy and Collect Assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2022/23. Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for June 21, 2022 on the proposed assessment

Mayor Jordan asked if anyone wished to remove items from the consent calendar. Council Member Gary removed Items 7-8 and 7-13. A member of the public removed Items 7-1 through 7-10.



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A summary of public comment is as follows: an inquiry for information to provide to the public regarding the City Manager's review; concern for the City spending in a month; a question regarding the next appointment to the advisory board; a request for additional information on the proclamations; concerns for the implementation of the Kains Avenue/Adams Street Bicycle Boulevard Pilot Project; the Bicycle Boulevard Pilot Project will be important to further alternative transportation and increase safety with the new signage and striping; appreciation to the City for honoring Loving Day.

Items 7-1 through 7-3: Mayor Jordan advised that there is no report to provide regarding the City Manager's review. The City's budget is over \$24 million dollars total and one million dollars spent in a month is the type of spending curve that can be expected. The last meeting was three weeks ago, and more payments appeared on the agenda than usual.

Item 7-8: Council Member Gary requested that the resolution be amended to include the names of the victims.

Item 7-10: Mayor Jordan explained that the current radios are no longer being maintained by the vendor, and any malfunction could pose a safety hazard to the firefighters. Failure of communication is the number one cause of death of firefighters.

Item 7-13: Council Member Gary advised that she pulled the item for voting purposes.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to approve the consent calendar, less Item 7-13, and with the amendments to Item 7-8 memorializing the names of the individuals who were murdered in that event.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Mayor Jordan, seconded by Council Member Nason, to approve Item 7-13.

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



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10-1. Potential Revision to Rate for Business License Tax and Technical Changes to Sections 5-1 and 5-2 of Chapter V of the Albany Municipal Code Relating to the Business License Tax

Staff recommendation: City Council provide direction on the Resolution calling for a potential tax measure to change to a graduated rate for the Business License Tax and to make technical changes to Sections 5-1 and 5-2 of Chapter V of the Albany Municipal Code relating to the Business License Tax so that the tax measure may be submitted to voters at the November 8, 2022 election

City Attorney Mala Subramanian presented the staff report. Staff has prepared an update regarding the modernization of the current Business License Tax rate structure and a resolution based on a gross receipt tax.

Mayor Jordan advised that very low-income is 50% of Area Median Income (AMI) or less, and low-income is 50% to 80% of AMI. Currently, very low-income households are eligible for the taxes that Albany has for which a rebate is available.

A summary of public comment is as follows: an inquiry into whether Stronach Group is being taxed appropriately; a request that the City set a number of deaths acceptable before revocation of a license for any particular business; Golden Gate Fields and Target need to pay more in taxes; inquiries as to why the City does not calculate its own percentage regarding the average tax rate of the county, and whether the tax is based on each individual apartment.

Heather Rowden, Finance Director, indicated that the change for the business license tax from employee to a tax on gross receipts was on the Economic Development Strategic Plan.

A summary of Council comment is as follows: a suggestion to consult the business community before making the change; concern about changing all rates; a suggestion to keep the rates for the two smaller brackets the same; a suggestion to direct staff to explore ways to flatten the schedule so that the lower two rates remain the same and only raise the upper two rates; opposition to eliminating the sales tax; a preference to keep the existing rates close to what is currently paid by the majority of the payers, and then consider a tax cut later if it is part of a complete package aimed at eliminating the sales tax; it would be interesting to know how much of the City's sales tax comes from individuals not living in Albany.

10-2. Potential New Commercial and Residential Vacancy Tax

Staff recommendation: City Council provide policy direction on a potential new commercial vacancy tax for voter consideration at the November 8, 2022 election and consider the Resolution calling for the special tax to be placed on the ballot



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City Attorney Mala Subramanian presented the staff report. The vacancy tax was included as part of the Strategic Plan to maintain an attractive atmosphere in the business districts. Work Plan Item 2 was to implement a vacancy maintenance plan holding owners accountable as consider a vacancy tax. Staff has prepared a commercial vacancy tax resolution incorporating prior Council comments. A residential vacancy tax is not suggested at this time given the complexity of issues and size of the City. Council can consider a residential vacancy tax at a future date should residential vacancies become a concern.

City Manager Nicole Almaguer advised that staff has reached out to the owners of the vacant commercial properties through the Economic Development staff and consulting team with varying degrees of response, but the effort is ongoing. A direct count of vacant residential properties is not available.

Mayor Jordan noted that the US Census five-year average data ending in 2020 for Albany indicates that there are approximately 278 vacant residences, with a margin of error of approximately 102.

A summary of public comment is as follows: support for taxing vacant commercial units; the number of vacant units has risen from 118 to 167; an owner capable of leaving a housing unit vacant for any period of time should pay for the privilege, excluding those in nursing homes; income is the single-most important factor in determining housing affordability; market-rate ownership in the City is generally not affordable to low or very low-income; a question regarding whether the City could apply for a grant to convert vacant commercial or residential properties into housing for the homeless or low-income residents; opposition to charging an owner for a vacant property; the vacancy rate is very low in Albany regarding residential properties and the cost benefit is insufficient; a suggestion that the City conduct outreach to see if placing the tax on the ballot is worthwhile.

A summary of Council comments is as follows: opposition to a residential vacancy tax; a preference to postpone the commercial tax to gather data from San Francisco and Oakland; Economic Development staff should be given an opportunity to work with the commercial owners and explore ways to assist them; a preference not to move either items forward; 2.5% of all residences in the private sector that are vacant for other reason is considerably low; Albany does not have the same vacancy issues that San Francisco or Oakland have; the time for this type of tax is not appropriate.

10-3. Potential New Emergency Medical Services, Advanced Life Support, and Fire Protection Tax

Staff recommendation: City Council provide direction on the Resolution calling for a potential new Emergency Medical Services, Advanced Life Support, and Fire Protection Tax for voter consideration at the November 8, 2022 election



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City Attorney Mala Subramanian presented the staff report. On April 18, 2022, Council discussed the concept of a new tax measure based on land area to fund Emergency Medical Services (EMS), Advanced Life Support (ALS), and Fire Protection Tax. The measure would replace and repeal the two existing taxes for EMS services. Staff has prepared ballot language in the resolution and ordinance and modified it for Council consideration.

Jim Boito, Fire Chief, explained that there will be a seventh position each day, bringing the Fire Department closer to the national average of over one firefighter per thousand residents. The resolution will help cover the overall cost of the EMS Fund.

City Attorney Mala Subramanian explained that because it is a property tax, it must be a special tax.

Heather Rowden, Finance Director, advised that when a parcel tax rebate application is submitted, NBS is contracted to review the application for eligibility. When a parcel is approved and determined to be eligible, the City will issue a check to the applicant out of the applicable tax funds.

A summary of public comment is as follows: encourage the City to spend the money well.

Mayor Jordan advised that based on information available for structuring the tax, the average tax per residence in Albany was slightly over \$160 dollars per residence, which would represent an increase of \$50 dollars per residence over the combined two current taxes. Because this tax will be applied in the same manner to commercial properties, it will more than double the amount generated by the existing two taxes.

A summary of Council comment is as follows: a long-term financial plan will be necessary; a suggestion to modify the language to read “the Emergency Medical Services Program may cease or be severely curtailed”; a suggestion to include more gender-appropriate language.

11. NEW BUSINESS

11-1. Gas to Electric Permit Fees Waiver with Measure DD Revenue

Mayor Jordan recommendation: that City Council direct staff to prepare an amendment to the Master Fee Schedule waiving permit fees for replacing a gas-fired appliance with an electric appliance, an electric vehicle charger and any associated panel upgrades

Mayor Jordan presented his memorandum. The recommended policy would include waiving the permit fees for replacing gas-firing appliances with electrically powered appliances. This pairs with the heat pump heating, ventilation, air conditioning (HP HVAC) subsidy program to be implemented starting with the next fiscal year using Climate Action Plan reserve funds.



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MOTION:

Moved by Mayor Jordan, seconded by Vice Mayor Tiedemann, to prepare an amendment to the Master Fee Schedule waiving permit fees for replacing a gas-fired appliance with an electric appliance, and electric vehicle charger, and any associated panel upgrades.

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

Vice Mayor Tiedemann reported he attended an East Bay Community Energy (EBCE) meeting, during which board members discussed budget changes due to changes in how power was procured. EBCE has more money than expected and will reinvest it in services, which may result in a reduction of rates. Funding is available for programs in the service area as well as for investments in asthma treatment with UCSF Medical Center.

Council Member McQuaid reported she attended the Bike to Wherever Day Celebration, Senior Center Pancake Breakfast, a two-day virtual conference from the American Society of Evidence-Based Policing, Ohlone Sign Celebration. She also attended



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EveryOne Home and League of California Cities (East Bay) meetings, and a chamber mixer.

Council Member Nason reported she attended the chamber mixer, Ohlone Sign Celebration, Alameda County Transportation Commission (ACTC) meeting, and Park Advisory Committee.

Mayor Jordan reported he attended a meeting of the StopWaste Energy Council, where the board approved the budget for the next fiscal year for the agency. Additionally, a legislative update was received on the bills.

13. FUTURE AGENDA ITEMS

Vice Mayor Jordan indicated future items on librarian report to Council, permanent parklets, crossing safety, updates to the rat infestation on Madison Avenue and Albany Hill forest management, negotiations with Waste Management, light fixture upgrades, and free City Wi-Fi.

Council Member Nason requested future items regarding opposition to assault weapons and horse racing.

A summary of public comment is as follows: requests for future agenda items on school zones, the Civics Academy, and Golden Gate Fields.

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. Social & Economic Justice Commission Meeting, Tuesday, June 7, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Parks, Recreation & Open Space Commission Meeting, Thursday, June 9, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Arts Committee Meeting, Monday, June 13, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Climate Action Committee Meeting, Wednesday, June 15, 7:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Meeting, Tuesday, June 21, 7:00 PM, Virtual Meeting via phone/video conferencing (due to Juneteenth on Monday)



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15. ADJOURNMENT

10:20 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting in memory of Pasquale Petti

Minutes submitted by Anne Hsu, City Clerk.

Preston Jordan
Mayor

Attest:

Anne Hsu, City Clerk