



# ALBANY CITY COUNCIL – MINUTES

Virtual Meeting  
Albany, CA 94706  
Tuesday, July 05, 2022

Date approved: July 18, 2022

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## **REGULAR MEETING: 7:00 PM**

### **1. CALL TO ORDER**

Council Member McQuaid 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**

### **4. CEREMONIAL MATTERS**

### **5. CITY MANAGER REPORT**

City Manager Almaguer reported Albany Hill experienced two fires on June 26, 2022, near Cleveland and Washington avenues and in the Wildland area of the Hill; no injuries or structural damage were reported. Thanks to City departments and neighboring agencies for providing quick assistance to contain the fires, including Cities of Berkeley, Richmond, El Cerrito, and Contra Costa Fire Protection District. Albany Police Department coordinated the evacuation efforts. A suspect was arrested on suspicion of arson. Collaborative efforts of the Albany Fire Department and Public Works Department regarding fuel load management prevented a more disastrous outcome. Urban Tilth continues to assist the City with vegetation management efforts along the hill. Updated information will continue to be provided on the City's website as it becomes available. An update on the mitigation and long-term management of Albany Hill is being prepared for the Council and the Parks, Recreation & Open Space Commission. Park surface repairs have been completed at Peggy Thomsen Pierce Street Park, Ocean View Park, and Dartmouth Tot Lot. Memorial and Terrace parks are currently undergoing repairs and are expected to reopen on July 11, 2022. Sewer rehabilitation is underway along Eastshore Highway, Pierce Street, and Cleveland Avenue. Striping restoration is scheduled to begin July 11, 2022. Fourth of July Concert in the Park was a great event. Additional concerts will be held on August 27 and September 24, 2022. The nomination period for those seeking elective office will begin July 18, 2022. Ranked Choice Voting (RCV) at large will be used in the upcoming November 8, 2022 General Municipal Election. National Night Out block party registration is available on the City website. A household hazardous waste drop-off event for residents of Alameda County is scheduled for July 31, 2022, and information is available at [stopwaste.org/at-home](http://stopwaste.org/at-home).

A summary of public comment is as follows: a question regarding the candidate training for the Board of Education and City Council; a suggestion to extend the duration of next year's Fourth of July Concert in the Park event; an inquiry regarding the current status of access to parts of Albany Hill Park that were not affected by the fire; a question concerning the provision of election information through methods other than the Internet.



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City Manager Almaguer advised that candidate training would be specific for candidates running for election with the City's new RCV method. Election information was distributed at the Fourth of July event, Community Services Expo, and will be mailed citywide through the Albany Activity Guide. Additional suggestions for disseminating information are encouraged. As part of the fire management effort, barriers have been removed where feasible while areas damaged by the fire continue to be managed.

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

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: inquiries regarding the inclusion of vaping in the smoking regulations ordinance and the use of alcohol on Solano Avenue; a suggestion for an educational campaign regarding changes to parking requirements resulting from the Kains and Adams Bikeway Project; opposition to the expenditure of funds from the Sugar-Sweetened Beverage Tax for the provision of bike lockers.

### 7. CONSENT CALENDAR

#### 7-1. Minutes – June 21, 2022

Staff recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 6/17/2022: Net Amount \$360,848.73, Taxes/Benefits/Deductions \$402,224.11, Total Payroll \$763,072.84

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 \$1,498,735.65 (6/17/2022), \$103,944.09 (6/24/2022)

Staff recommendation: Ratify

#### 7-4. Advisory Body Appointment:

Luke Panzar appointed by Vice Mayor Tiedemann to the Financial Advisory Committee

Staff recommendation: Information item

#### 7-5. Endorsement of the Alameda County Home Together 2026 Implementation Plan

Staff recommendation: that the Council adopt Resolution No. 2022-80, endorsing the Alameda County Home Together 2026 Community Plan



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**7-6.** Calling for a General Municipal Election, Requesting Consolidation with the Statewide General Election, and Adopting Regulations for Candidates for Elective Offices for the November 8, 2022 Election

Staff recommendation: that the Council adopt:

1. Resolution No. 2022-74, calling and giving notice for the holding of a general municipal election on Tuesday, November 8, 2022, for the election of Members of the City Council and Members of the Board of Education using ranked-choice voting (RCV) at large; and
2. Resolution No. 2022-75, requesting the Board of Supervisors of the County of Alameda to consolidate a general municipal election to be held with the Statewide General Election on Tuesday, November 8, 2022; and
3. Resolution No. 2022-76, adopting regulations for candidates for elective offices pertaining to candidate statements submitted to the voters

Mayor Jordan asked if anyone wished to remove items from the consent calendar. Council Member Gary removed Item 7-5, and a member of the public removed Item 7-6.

Item 7-5: Assistant City Manager Isabelle Leduc advised the plan lays out goals and strategies to end homelessness by 2026 countywide. Adoption of the plan will enable the City to receive additional federal and state funding as it becomes available. The City has provided information about current programs addressing homelessness to the county. It has not yet been determined how much funding will be available from the county. Berkeley Food and Housing Project is currently the primary contractor for the City.

A summary of public comment is as follows: questions regarding the Alameda County Home Together 2026 Implementation Plan; a request for clarification of Resolution No. 2022-76; an inquiry about the deadline for recording candidate statements with the City Clerk; there does not appear to be an active effort to prevent homelessness in the City; a preference for the option of a write-in rather than a cancellation of the election.

City Clerk Anne Hsu advised that a citizen interested in running for office can schedule an appointment with her and obtain a candidate nomination packet, which includes information about candidate statements, how to file, and what to submit. The deadline is August 12, 2022 before 12:30 p.m.

Mayor Jordan indicated that an election will likely occur if a measure is on the ballot.

A summary of Council comment is as follows: support for the Alameda County Home Together 2026 Implementation Plan as compared to previous plans.

**MOTION:**

Moved by Vice Mayor Tiedemann, seconded by Council Member McQuaid, to approve the consent calendar.

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



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NOES: None

Motion carried and so ordered.

### 8. PRESENTATION

### 9. PUBLIC HEARING

- 9-1.** Resolution Calling for the Placement of a New Emergency Medical Services, Advanced Life Support, and Fire Protection Tax on the November 8, 2022 General Municipal Election Ballot for Submitting to the Voters an Ordinance Amending Section 4-7 and Repealing 4-8 of Chapter IV of the Albany Municipal Code

Staff recommendation: that the Council open the public hearing and after taking public comment, close the public hearing, and adopt Resolution No. 2022-77 of the Albany City Council, calling for the placement of a special tax measure on the November 8, 2022 General Municipal Election ballot for submitting to the voters an ordinance amending Section 4-7 and repealing 4-8 of Chapter IV of the Albany Municipal Code to establish an Emergency Medical Services Advance Life Support, and Fire Protection Special Tax and providing for certain exemptions and rebates from the Special Tax for qualifying very low-income residents; and authorizing the City Clerk or their duly authorized officers to carry out all the necessary procedures for said election

City Attorney Mala Subramanian presented the staff report. The resolution calls for the placement of a special tax measure on the November 8, 2022 General Municipal Election ballot for submitting an ordinance amending Section 4-7 and repealing 4-8 of Chapter IV of the Albany Municipal Code to establish the Emergency Medical Services (EMS), Advanced Life Support (ALS), and Fire Protection Tax. Certain exemptions and rebates from the Special Tax would be provided for qualifying very low-income residents. Authorization would be granted to the City Clerk and duly authorized officers to carry out necessary procedures for the election. The updated resolution reflects the changes requested by Council to be gender neutral, as well as updated language for 4-7.1 – Section D.

Mayor Jordan noted this ballot measure would replace two existing property taxes with a single parcel tax. The tax would shift from a per residence basis to a per square foot of land basis. Commercial, industrial, and residential properties would be taxed at the same rate.

A summary of public comment is as follows: larger businesses should be required to pay a greater portion of the tax than the average homeowner; questions regarding whether the tax will also be levied in the form of a sales tax, and what federal or state funds are available that would be exempt from taxation.



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City Manager Almaguer indicated that funding opportunities are being pursued. A grant application was submitted by the Albany Fire Department, and if awarded, will supplement and extend potential funding for the requested seventh team member.

A summary of Council comment is as follows: appreciation for the softening of language relating to the measure as directed by Council and continuation of the EMS program; income-based exemptions that do not address the broader issue of wealth are regressive; development of a long-term financial plan is essential; if approved, there will be a tax reduction for residences on smaller parcels, while those with larger properties will see an increase.

### **MOTION:**

Moved by Vice Mayor Tiedemann, seconded by Council Member McQuaid, to adopt Resolution No. 2022-77.

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

NOES: None

Motion carried and so ordered.

## **10. UNFINISHED BUSINESS**

**10-1.** Five Year Extension of Collection Services Agreement Negotiations Between Waste Management of Alameda County and the City of Albany and Release of Request for Proposals (RFP) or Request for Qualifications (RFQ) for SB (Senate Bill) 1383 Services

Staff recommendation: that the Council adopt Resolution No. 2022-78, authorizing the City Manager to extend the current Collection Services Agreement for an additional 5 years, until March 31, 2028, and authorize staff to issue a request for proposals (RFP) or request for qualifications (RFQ) for SB 1383 compliance services

Elizabeth Carrade, Sustainability Coordinator, presented the staff report. Staff recommends the Council authorize the City Manager to extend the current Collection Services Agreement with Waste Management of Alameda County (WMAC) and authorize the City Manager to issue an RFP or RFQ for third-party SB 1383 compliance services not covered under the current agreement. On March 31, 2023, the current Collection Services Agreement approved by Council will expire. The agreement impacts all single-family, multi-family, and commercial properties, as well as all ratepayers in the City. In addition to supporting the City's core services, the agreement is essential to the environment and to the health, well-being, and safety of the community. Albany customers currently pay approximately \$4.6 million dollars each year to WMAC. City staff and WMAC have been negotiating the terms of a new agreement since September 2020. To date, negotiations in reaching a conceptual agreement on terms and rates have been unsuccessful. The WMAC proposal would result in significant rate increases. Staff



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recommends extending the current Collection Services Agreement for an additional five years

A summary of public comment is as follows: Waste Management's proposal to videotape all discarded garbage is an invasion of privacy; a suggestion that lighter garbage trucks be considered to reduce road damage; a question regarding the possibility of less frequent trash collection.

A summary of Council comment is as follows: extending the agreement to explore other options seems appropriate.

### **MOTION:**

Moved by Vice Mayor Tiedemann, seconded by Council Member McQuaid, to

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

NOES: None

Motion carried and so ordered.

## **11. NEW BUSINESS**

### **11-1. Amendment No. 3 to the Employment Agreement for City Manager Services**

Staff recommendation: that the Council adopt Resolution No. 2022-79, approving Amendment No. 3 to the Employment Agreement for City Manager Services

City Attorney Mala Subramanian presented the staff report. Staff recommends the Council adopt Resolution No. 2022-79 to approve a third amendment to the City Manager's Employment Agreement. City Council conducted an annual performance review in May to increase the City Manager's compensation and modify the severance payment in the agreement. Section 3 has been amended to provide for a 10% increase from the base salary and an additional amendment to the agreement provides for a severance of six months upon removal without cause. City Attorney Subramanian also noted a correction in the Resolution on the amount of base salary.

A summary of public comment is as follows: inquiries regarding the total percentage increase in the City Manager's base salary and the source of the funds.

Mayor Jordan advised that a compensation change occurs when there is a cost-of-living increase occurring among all staff. The salary of the City Manager is funded by the General Fund. The proposed compensation is an increase of 10%. By providing a latitude of time for candidates to pursue another position, a level of severance makes the position more attractive to candidates.

A summary of Council comment is as follows: City Manager Almaguer provides exceptional service to the City; support for the resolution, which acknowledges the City Manager's patience and hard work; despite the unpredictable nature of COVID-19, the





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City Manager provided leadership; Albany's City Manager is the lowest paid City Manager in the county.

City Attorney Subramanian clarified that there is a process for performance evaluations as detailed in 6B of the existing Employment Agreement, but the implementation is confidential and conducted in closed session. The increased compensation is a total of 10% from the existing compensation of \$213,655.

**MOTION:**

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to adopt Resolution 2022-79 with correction noted by City Attorney, approving Amendment No. 3 to the Employment Agreement for City Manager Services.

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

NOES: Council Member Gary

Motion carried and so ordered.

**11-2. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference**

Staff recommendation: that the Council designate a voting delegate and alternates for the League of California Cities Annual Business Meeting

City Clerk Anne Hsu presented the staff report. The League of California Cities Annual Conference and Expo is scheduled for September 7-9, 2022 in Long Beach. One voting delegate and up to two alternates must be designated by the Council to represent Albany at the Annual Business Meeting.

A summary of public comment is as follows: a suggestion that Council Member McQuaid consider serving as an alternate and assisting in the training of new leadership.

Vice Mayor Tiedemann expressed support for designating Council Member McQuaid as a representative and indicated his willingness to serve as an alternate.

**MOTION:**

Moved by Vice Mayor Tiedemann, seconded by Mayor Jordan, to designate Council Member McQuaid as a voting delegate and Vice Mayor Tiedemann as an alternate for the League of California Cities Annual Conference.

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**



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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 meetings of the Alameda County Transportation Commission (ACTC), and the Pavement Conditions Index (PCI) remains a significant concern. She also attended the Fourth of July celebration,

Council Member McQuaid reported she attended the Fourth of July celebration. She attended meetings of the Housing Authority of Alameda County, League of California Cities (East Bay), and the Juneteenth event. During an Association of Bay Area Government (ABAG) general assembly meeting, discussions were held regarding a possible ballot measure for the nine-county regional housing needs. She also attended an Alameda County Transportation Commission (ACTC) meeting and the Senior Center barbeque event.

Vice Mayor Tiedemann indicated that he had no meetings to report.

Council Member Gary reported she attended the Juneteenth and Fourth of July celebrations.

Mayor Jordan reported he attended an East Bay Community Energy (EBCE) board meeting as an alternate, where EBCE staff received contention regarding an item brought forward to provide \$15 million dollars over five years to Children's Hospital for asthma treatment.

## 13. FUTURE AGENDA ITEMS





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Council Member Gary requested a future agenda item regarding rent support.

A summary of public comment is as follows: a request for a future agenda item to prohibit alcohol on Solano Avenue, school zones, and sunrising the Golden Gate Fields Task Force and Youth Task Force.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

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.

Upcoming City Meetings

1. Social & Economic Justice Commission Meeting, Wednesday, July 6, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Economic Development Committee Meeting, Thursday, July 7, 5:00 PM, Virtual Meeting via phone/video conferencing
3. Arts Committee Meeting, Monday, July 11, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Planning & Zoning Commission Meeting, Wednesday, July 13, 7:00 PM, Virtual Meeting via phone/video conferencing
5. Parks, Recreation & Open Space Commission Meeting, Thursday, July 14, 7:00 PM, Virtual Meeting via phone/video conferencing
6. City Council Meeting, Monday, July 18, 7:00 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

9:34 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

\_\_\_\_\_  
Preston Jordan  
Mayor

Attest:

\_\_\_\_\_  
Anne Hsu, City Clerk