



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

Vice Mayor Tiedemann 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, Vice Mayor Tiedemann, Mayor Jordan

Absent: None

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

4. CEREMONIAL MATTERS

4-1. Proclamation –In Support of Human Rights in Iran & in Recognition of Human Rights Day and Human Rights Month

Council Member McQuaid presented the proclamation to Jaleh Niazi.

4-2. Albany CERT (Community Emergency Response Team) Training Graduation

Fire Chief Jim Boito appreciated CERT volunteers' service to the community.

Vice Mayor Tiedemann presented certificates to the graduates.

A summary of public comment is as follows: thanks to the Albany Fire Department and instructors for hosting CERT training.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the winter-spring Albany Activity Guide is now available. Business license renewals will be sent out the week of December 12, 2022. Businesses that do not receive renewals by the first week of January 2023 should contact the Finance Department at 510-528-5730. Phase 1 of the Marin Avenue Pavement Rehabilitation Project is under construction, and construction of Phase 2 is anticipated to begin in the summer of 2023. Construction of the Annual Pavement Rehabilitation Project has begun and includes paving, storm drain, and curb ramp improvements on Jackson Street, Kains Avenue, Cornell Avenue, Evelyn Avenue, Masonic Avenue, and Carmel Avenue. Updates regarding the pavement projects can be found on the City's website (albanyca.org/constructionalerts). The public is reminded to move their vehicles for street sweeping. Staff is working to improve turf in City parks through the Parks Maintenance Program, and a turf study of each park is planned for later in the fiscal year. The Albany eGift Card Program is underway. The Winter Stroll-ish is scheduled for December 11, 2022, on Solano Avenue.



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

A summary of public comment is as follows: a question of whether artificial turf will replace grass in City parks.

City Manager Almaguer advised that the turf study will provide the feasibility of a variety of surfaces for play fields.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: an inquiry on the source of funding for an investment advisor; a website that maps fentanyl overdoses is available to municipalities; a suggestion for the City to allow non-residents who own real estate in Albany to apply for seats on Advisory Bodies; a question regarding the process for preparing and presenting a resolution to the City Council; suggestions to publicize City proclamations and applications to Advisory Bodies more widely; a suggestion to learn the correct pronunciation of names from foreign cultures.

City Manager Almaguer reported the funding source for an investment advisor is the General Fund. Staff or the City Attorney draft and submit the majority of resolutions and proclamations to the Council. At times, a Council Member or partner agency will prepare and submit a resolution.

7. CONSENT CALENDAR

7-1. Minutes –

- November 9, 2022
- November 15, 2022
- November 21, 2022

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 11/18/2022: Net Amount: \$358,004.94, Taxes/Benefits/Deductions \$366,972.05, Total Payroll: \$724,976.99

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 \$294,363.70 (11/18/22)

Staff recommendation: Ratify

7-4. Proclamation – AIDS Awareness Month

Council Member McQuaid recommendation: that the Council proclaim December 2022 as AIDS Awareness Month



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

7-5. Resolution and Letter in Support of Port Chicago 50

Council Members Nason & McQuaid recommendation: that the Council adopt Resolution No. 2022-121 in support of all efforts to exonerate the Port Chicago 50 and authorize submittal of the Letter of Support

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. 2022-122, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

7-7. Charter Review Committee Memo on Youth Voting

Charter Review Committee recommendation: Information item

7-8. Conflict of Interest Code Update

Staff recommendation: that the Council adopt Resolution No. 2022-123, approving and adopting the amended Conflict of Interest Code pursuant to the Political Reform Act of 1974

7-9. California's Net Energy Metering (NEM) Program

Climate Action Committee recommendation: that the Council adopt Resolution No. 2022-124, supporting strong incentives for solar generation through California's Net Energy Metering (NEM) Program

7-10. Update to the City Council Procedures & Policies – Purchasing Policy

Staff recommendation: that the Council adopt Resolution No. 2022-125, updating the City Council Procedures & Policies – Purchasing Policy

7-11. Award Contract No. C22-72 to Environmental Science Associates (ESA) for Preparation of a Long-Term Flood Protection Plan for the Albany Bulb

Staff recommendation: that the Council adopt Resolution No. 2022-126:

1. Authorizing the City Manager to award Contract No. C22-72 to ESA in the amount of \$99,943 to prepare a Long-Term Flood Protection Plan including a vulnerability assessment and adaptation plan for protection of the Albany Bulb from sea-level rise; and
2. Appropriating \$115,000 from the General Fund to support the project



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

7-12. Annual Sidewalk Rehabilitation Program (CIP No. 22000) Phase 5 & 6 – Contract No. C22-14 Closeout and Filing of Notice of Completion

Staff recommendation: that the Council adopt Resolution No. 2022-127, authorizing the City Manager to:

1. Approve Contract Change Order (CCO) #3; and
2. Accept the improvements completed in Contract No. C22-14; and
3. File the Notice of Completion with the County Recorder's Office

7-13. Annual Street Rehabilitation Program (CIP No. 21000) 2022 Pavement Rehabilitation Project – Approval of Contract Change Order (CCO) #1 to Contract No. C22-30 and Approval of a Rainbow Crosswalk at Solano Avenue and Talbot Avenue

Staff recommendation: that the Council adopt Resolution No. 2022-128:

1. Approving additional installation of a rainbow crosswalk at the southern crossing of the Solano Avenue and Talbot Avenue intersection, and
2. Authorizing the City Manager to execute CCO #1 to Contract No. C22-30 in the amount of \$115,965.60 using funds previously appropriated as part of the City's Annual Street Rehabilitation Program (CIP No. 21000)

CEQA: This project consists of rehabilitation of existing streets and is determined to be categorically exempt under CEQA (California Environmental Quality Act) Guideline Section 15301 Existing Facilities

7-14. CIP No. 51009: Fire Station Rollup Door Replacement

Staff recommendation: that the Council adopt Resolution No. 2022-129 appropriating funds in the amount of \$22,000 to replace the six rollup door openers at the Fire Station (CIP No. 51009) from the City's Building Reserve Fund (Fund 2007)

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. Council Member Nason removed Item 7-9. Mayor Jordan removed Items 7-7 and 7-12. Members of the public removed Items 7-5, 7-11, and 7-12.

A summary of public comment is as follows: a question of whether the balance of the General Fund can be found on the City website; an inquiry regarding East Bay Regional Park District managing the Albany Bulb; the sidewalk in front of Domino's on Solano needs additional shaving; appreciation for the resolution regarding the Port Chicago 50; an inquiry as to the steps following preparation of the Long-Term Flood Protection Plan for the Albany Bulb; solar energy should be incentivized; opposition to the resolution regarding the Net Energy Metering (NEM) Program because it needs to encourage electrification of appliances and transportation.



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

Mayor Jordan reported the City budgets and quarterly financial reports are available on the Finance Department tab of the City website.

Council Member Nason advised that the City manages the Albany Bulb and is responsible for the consequences of operating a landfill in the Bay.

Public Works Director Mark Hurley explained that preparation of a Long-Term Flood Protection Plan will fulfill a new requirement imposed by the Water Board and allow the City to identify mitigations and plan for costs and implementation.

Item 7-7: Mayor Jordan and Council Member Nason thanked the Charter Review Committee for its report.

Item 7-9: Council Member Nason advised that she is inclined not to support adoption of the resolution.

Item 7-12: Mayor Jordan thanked Public Works staff for completing the work.

A summary of Council comment is as follows: the Council may wish to postpone Item 7-9 until it has more information on the proposal; NEM Programs have accomplished the goal of reducing the cost of solar power, but the program needs to change for the future.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to approve the consent calendar less Item 7-9.

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

NOES: None

Motion carried and so ordered.

8. PRESENTATION

8-1. Two-Year Mobile Crisis Team Pilot Program and Ambulance Transport Funding

Staff recommendation: that the Council:

1. Receive a presentation by Bonita House, Inc. on services to be provided for the 2-year Mobile Crisis Team Pilot Program.
2. Adopt Resolution No. 2022-130, appropriating grant funds, at a cost not-to-exceed \$650,000, to establish a 2-year Mobile Crisis Team Pilot Program and utilization of private ambulance services to transport persons in crisis who are placed on a mental health hold

Assistant City Manager/Recreation & Community Services Director Isabelle Leduc presented the staff report. The Albany Police Department (APD), with the aid of Berkeley's Mobile Crisis Team, responded to calls for assistance with persons in crisis



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

until July 2020, when Alameda County Behavioral Health (Behavioral Health) began providing this service. The Mobile Crisis Team Pilot Program is intended to supplement services provided by Behavioral Health, to better serve Albany residents needing assistance, and to reduce APD's engagement with persons in crisis.

The mobile crisis team would consist of a full-time, licensed behavioral health clinician, a peer support specialist, a part-time data analyst, and a part-time director of crisis services; provide services five days per week in Albany; APD is required to transport individuals who are placed on a mental health hold and who have no immediate medical issues or complications to a psychiatric facility. Staff recommends grant funds be allocated for mental health transport by a private ambulance company when the mobile crisis team is unable to transport an individual. Albany Fire Department (AFD) would continue to transport individuals with medical needs.

Outreach regarding the pilot program would include presentations at school sites and City programs, posting flyers at City facilities and local businesses and organizations, and inclusion in the City Activity Guide, website, and e-news.

The County of Alameda allocates grants to the City, and the funding has been used for vehicle and equipment expenses that exceeded budgeted amounts. The balance of grant funds is sufficient to cover the cost of the pilot program and vehicle and equipment expenses.

Samantha Russell-Plateau, Bonita House Director of Crisis Services, summarized Bonita House's history, programs and mobile crisis services. A mobile crisis team will respond to urgent mental health calls and follow ups. The pilot program will run for two years and include a financial sustainability assessment, data analysis, triage of calls, cross training with APD, and consultation with staff.

A summary of public comment is as follows: inquiries regarding the specific ambulance company and its ability to respond and reducing the pilot program to one year; questions regarding the APD's involvement in mental health calls; a request for the frequency of calls for mental health issues.

Chief of Police John Geissberger advised that Eagle Ambulance and Falck of Northern California are under consideration for transport services. The mobile crisis team will be located in Albany. Calls for service tend to occur between 8 a.m. and 8 p.m., and additional data analysis is needed to determine the hours of service. Behavioral Health will continue to provide responses outside the hours of service. Staff proposes a two-year pilot program in order to provide better data for analysis. The number of mental health holds with transport has averaged approximately 50 per year. The number of calls for welfare checks in the prior year totaled approximately 650.

A summary of Council comment is as follows: staff should consider ambulance services located in Contra Costa County; perhaps the School District could contribute financially if



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

the number of calls is sufficiently high; the City needs this type of service and hopefully can extend it to 24/7 in the future.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to adopt Resolution No. 2022-130, appropriating grant funds, at a cost not-to-exceed \$650,000, to establish a 2-year Mobile Crisis Team Pilot Program and utilization of private ambulance services to transport persons in crisis who are placed on a mental health hold.

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

NOES: None

Motion carried and so ordered.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Changes to Advisory Bodies to the City Council

Staff recommendation: that the Council consider adoption of the following resolutions regarding Advisory Bodies to the City Council:

1. Resolution No. 2022-131, directing the Social & Economic Justice Commission to focus on serving as advisory to the City Council regarding implementation of the City's Housing Element
2. Resolution No. 2022-132, sunsetting the City's Charter Review Committee
3. Resolution No. 2022-133, sunsetting the City's Community Media Access Committee
4. Resolution No. 2022-134, sunsetting the City's Economic Development Committee
5. Resolution No. 2022-136, revising the meeting frequency of the City's Financial Advisory Committee

City Manager Almaguer presented the staff report. Staff prepared the resolutions based on Council comments provided during its November 7, 2022 meeting.

A summary of public comment is as follows: support for continuing the Social & Economic Justice Commission (SEJC); a suggestion to decrease the frequency of meetings of the Community Media Access Committee (CMAC) rather than sunsetting it; the agenda for the November 7, 2022 meeting did not provide adequate notice of the topics covered; CMAC is needed to oversee the expenditure of franchise fees; a request for the Council to obtain input from community groups and individuals as well as the SEJC regarding the Housing Element; opposition for sunsetting the Charter Review Committee (CRC), CMAC, and Economic Development Committee (EDC) prior to the installation of the new Council; support for sunsetting the CRC because staff and the City Attorney are best positioned to advise Council regarding changes to the City Charter; opposition to the SEJC being the sole advisor to the Council regarding housing issues; support for



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

increasing the frequency of Financial Advisory Committee (FAC) meetings; the Council could develop metrics to determine the effectiveness of the EDC and limit the scope of the SEJC by adjusting its work plan; the CRC should serve on an ad hoc basis with Council direction to review specific issues; the SEJC is not the appropriate Advisory Body for the Housing Element; the Council should form a new Advisory Body composed of stakeholders in the housing industry for input regarding the Housing Element.

City Attorney Mala Subramanian reported the Council's November 7 discussion did not violate the Brown Act.

Mayor Jordan reviewed data regarding the number of advisory bodies for cities of similar size to Albany and the correlation of financial risk and number of advisory bodies. Advisory Bodies to Council have a financial impact on the City, and the Council has a fiduciary duty to ensure the value of Advisory Bodies is appropriate for the cost.

A summary of Council comment is as follows: staff has assumed more roles in economic development; perhaps staff could attend Chamber of Commerce and Solano Avenue Association meetings to stay in touch with the business community and support economic development; other Advisory Bodies and the Recreation Department could assume CMAC's goals; the Council can refer Charter matters to an ad hoc committee rather than a standing committee; a suggestion to reduce the number of SEJC seats to increase its efficiency; a suggestion to recommend the incoming Council sunset the SEJC and form an Advisory Body regarding implementation of the Housing Element with seats for a variety of housing stakeholders and a separate Advisory Body to continue the work on equity; a suggestion to sunset or pause the SEJC until the Policing Commission completes its work; a new Advisory Body for the Housing Element could focus on policies for existing rental housing, and the SEJC could focus on racial equity only; a question on the Maddy Act notice posting requirement; appreciation for members of the public who served on Advisory Bodies.

City Clerk Anne Hsu reported the Maddy Act notice must be posted by December 31, 2022 for all Advisory Body vacancies that will occur in the next term.

MOTION:

Moved by Council Member Nason, seconded by Council Member McQuaid, to adopt Resolution No. 2022-136, revising the meeting frequency of the City's Financial Advisory Committee.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Vice Mayor Tiedemann, seconded by Council Member Nason, to adopt Resolution No. 2022-134, sunsetting the City's Economic Development Committee.

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

NOES: None



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to adopt Resolution No. 2022-133, sunsetting the City's Community Media Access Committee.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to adopt Resolution No. 2022-132, sunsetting the City's Charter Review Committee.

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

NOES: None

Motion carried and so ordered.

11. NEW BUSINESS

11-1. Amendments to Green Building Requirements

Staff recommendation: that the Council adopt Resolution No. 2022-135, amending the City of Albany Green Building Requirements

CEQA: The proposed amendment to Green Building Requirements does not involve a commitment to or require a significant physical change in future projects, and thus is not a "project" and is categorically exempt from California Environmental Quality Act (CEQA) Guidelines under Section 15378

Climate Action Committee recommendation: that the Council adopt a resolution to amend the City of Albany Green Building Requirements

Planning & Zoning Commission recommendation: that the Council adopt a resolution to amend the City of Albany Green Building Requirements with an edit changing the electric vehicle charging requirement from 20% to 25%

Community Development Analyst Michelle Plouse presented the staff report. In January 2021, the Council approved a resolution adopting Green Building Requirements (GBR) and subsequently approved a resolution amending the GBR. The proposed resolution would require new buildings and major alterations subject to the requirement for fire sprinklers to install electric appliances only. New appliances installed in accessory dwelling units (ADUs) would also have to be electric. Approximately 15 projects per year would be subject to the requirement, and most projects are already installing electric heating, ventilation, and air conditioning (HVAC) and water heating systems. The proposed resolution includes exemptions for scientific laboratories, hardship, and infeasibility. All-electric construction is slightly less expensive than mixed-fuel



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

construction except in the case of large multifamily buildings. Electrifying buildings would reduce greenhouse gas emissions. The proposed resolution also deletes requirements regarding outdoor lighting and solar panels for non-residential buildings.

MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Tiedemann, to extend the meeting to 10:45 p.m.

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

NOES: None

Motion carried and so ordered.

A summary of public comment is as follows: a question regarding the requirement for electric vehicle (EV) chargers for specific projects; concerns regarding power outages and storage, increasing generation of electricity, and City and school facilities complying with all-electric requirements.

A summary of Council comment is as follows: a preference to exempt restaurants from an all-electric requirement until staff can discuss the issues with restaurants; because most restaurants will not be affected by the requirement, they should not be exempt; a suggestion to retain the 20% requirement for EV chargers; affordable housing projects are typically large multifamily buildings, and reducing costs for them is preferable; a preference to amend the requirement for EV chargers to 20% of parking spaces or one parking space, whichever is greater, if one or more parking spaces are required for a project.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to adopt Resolution No. 2022-135, amending the City of Albany Green Building Requirements with amendments to exempt restaurants from all-electric requirements and to require electric vehicle chargers for 20% of parking spaces or one parking space, whichever is greater, if one or more parking spaces are required.

AYES: Council Members 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	--	Tiedemann



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

East Bay Community Energy JPA Board	Tiedemann	Jordan
East Bay Sports Field Recreational Authority JPA	Nason	--
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	--	(vacant)
Alta Bates Hospital Task Force	McQuaid/Nason	N/A
Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract (DAC)	--	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 a meeting of the Alameda County Transportation Commission (ACTC) Programs and Projects Subcommittee. ACTC is asking cities to work on maintaining a Paving Condition Index (PCI) of sixty.

Mayor Jordan reported he attended a meeting of the Alameda County Mosquito Abatement District and learned about the Aedes aegypti response plan. The invasive mosquito is a disease vector and has been found in counties adjacent to Alameda County. Drain boxes along sidewalks are a concern because the mosquitoes can breed in water standing at the boxes.

13. FUTURE AGENDA ITEMS

Mayor Jordan encouraged the next Mayor to agendize consideration of the SEJC.

A summary of public comment is as follows: suggestions for the Council to have a sergeant at arms and to place the Land Acknowledgement on the wall behind the Council.

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

1. End of the Year City Offices Closure – Monday, December 26, 2022 through Monday, January 2, 2023. City offices will resume normal office hours on Tuesday, January 3, 2023

Upcoming City Meetings

1. Social & Economic Justice Commission Meeting, Tuesday, December 6, 7:00 PM



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 05, 2022

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2. Parks, Recreation and Open Space Commission Meeting, Thursday, December 8, 7:00 PM
 3. City Council Special Meeting, Monday, December 12, 5:00 PM
 4. Arts Commission Meeting, Monday, December 12, 7:00 PM
 5. Planning & Zoning Commission Meeting, Wednesday, December 14, 7:00 PM
 6. City Council Meeting, Monday, December 19, 7:00 PM

15. ADJOURNMENT

10:46 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