



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, June 20, 2023

Date approved: July 17, 2023

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Council Member López 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 Hansen-Romero, Jordan and López, Mayor Tiedemann

Absent: Vice Mayor Miki

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

4. CEREMONIAL MATTERS

4-1. Proclamation / Certificate of Recognition – AMS Softball Club Team 2023 Season
Council Member Hansen-Romero and Mayor Tiedemann presented proclamations to members of the AMS Softball Club Team.

A summary of public comment is as follows: appreciation for the players, coaches, and families.

A summary of Council comment is as follows: congratulations to the team.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported successful events for the Stroll-ish and Juneteenth on June 18, 2023. 4th of July in the Park will have live bands, food trucks, and activities for everyone on July 4, 2023 at Memorial Park. The Street Tree Inventory Community Viewer, a map and details of the City's street trees, is available through the City website (albanyca.org/departments/sustainability/community-events). The pavement restoration component of the East Bay Municipal Utility District (EBMUD) Marin Avenue Pipeline Relocation Project will begin June 26, 2023 and take two to three weeks to complete. Albany Police Department (APD) has launched the Area Coordinator Program to provide specific personnel who help respond to inquiries and resolve issues (albanyca.org/departments/police-department/area-coordinator-program). APD, Albany Fire Department (AFD), and the cities of Berkeley, El Cerrito, and Richmond responded to a fire on Cleveland Avenue on June 13, 2023. On June 17, 2023, APD, AFD, and PG&E responded to a large-scale power surge that caused downed lines and a loss of power to a significant portion of the City. Staff will continue to work with PG&E in an effort to avoid a future power surge.

A summary of public comment is as follows: an inquiry regarding alerts for citizens.

City Manager Almaguer recommended citizens register with AC Alert (acalert.org) to receive critical notifications.



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6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Tiedemann opened the Good of the City.

A summary of public comment is as follows: the Kains Avenue/Adams Street Bicycle Boulevard Pilot Project needs signage stating that residents can travel south on Adams Street; encouragement for the City to help save the Albany Twin; appreciation for AFD and APD during the power outage; a suggestion to display the land acknowledgement in Council Chambers; an inquiry regarding funds from the fentanyl lawsuit.

Mayor Tiedemann noted welcome signs and displaying the Confederated Villages of Lisjan Flag acknowledge the Ohlone people. Staff is gathering information regarding the Albany Twin.

City Manager Almaguer added that staff is working with the Albany Twin property owners and sharing community members' concerns. Signage has been ordered and additional community outreach will be planned for the Kains Avenue/Adams Street Bicycle Boulevard Pilot Project.

Anne Branham, City Attorney Office, reported the City of Albany will receive funds from the settlement of the fentanyl lawsuit. Settlement funds have likely been disbursed to the County of Alameda to distribute to cities within Alameda County.

7. CONSENT CALENDAR

7-1. Minutes – June 5, 2023

Staff Recommendation: Approve

7-2. Ratification of Payroll – Date Paid 6/2/2023: Net Amount \$369,875.90, Taxes/Benefits/Deductions \$387,553.88, Total Payroll \$757,429.78

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 \$142,616.07 (6/2/2023), \$857,029.60 (6/9/2023)

Staff Recommendation: Ratify

7-4. Advisory Body Resignation:

James Bensman appointed by Vice Mayor Miki resigned from the Parks, Recreation & Open Space Commission

Staff Recommendation: Information only



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7-5. Annual Sewer Rehabilitation Program (CIP No. 32000) Call for Bids for 2023 Sanitary Sewer Rehabilitation Project (Contract No. C23-17)

Staff Recommendation: That the Council adopt Resolution No. 2023-44, authorizing the City Manager to approve a Call for Bids for the 2023 Sanitary Sewer Rehabilitation Project (Contract No. C23-17), using funds appropriated as part of the Annual Sewer Rehabilitation Program (CIP No. 32000)

California Environmental Quality Act (CEQA): The project is categorically exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing sewer with negligible expansion of use.

7-6. Annual Storm Drain Rehabilitation Program (CIP No. 35000) Call for Bids for 2023 Storm Drain Repair Project (Contract No. C23-30)

Staff Recommendation: That the Council adopt Resolution No. 2023-45, authorizing the City Manager to approve a Call for Bids for the 2023 Storm Drain Repair Program (Contract No. C23-39), using funds previously appropriated as part of the Annual Storm Drain Rehabilitation Program (CIP No. 35000)

California Environmental Quality Act (CEQA): The project is categorically exempt from CEQA pursuant to Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing sewer with negligible expansion of use.

7-7. Amendment to Contract No. C18-62 – Maintenance Contract for Janitorial Services

Staff Recommendation: That the Council adopt Resolution No. 2023-46, authorizing the City Manager to execute Amendment #9 to Contract No. C18-62 with Karla’s Janitorial Services, using funds previously appropriated as part of the Public Works Operating Budget.

7-8. Annual Sidewalk Rehabilitation Program (CIP No. 22000) Contract No. C23-09 Contract Change Order #1

Staff Recommendation: That the Council adopt Resolution No. 2023-47, authorizing the City Manager to execute Contract Change Order (CCO) #1 to Contract No. C23-09 with Villalobos in the not-to-exceed amount of \$114,575 using funds previously appropriated for the Annual Sidewalk Rehabilitation Program (CIP No. 22000) and the Annual Street Rehabilitation Program (CIP No. 21000)

California Environmental Quality Act (CEQA): This project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the repair, maintenance, and minor alteration of streets, sidewalks, pedestrian crossings, and street trees.



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- 7-9.** Albany Hill Eucalyptus Project (CIP No. 41015) – Award of Consulting Contract No. C23-40 for development of the Albany Hill Forest Management and Habitat Restoration Plan.

Staff Recommendation: That the Council adopt Resolution No. 2023-48, authorizing the City Manager to award Contract No. C23-40 to RDG for development of the Albany Hill Forest Management and Habitat Restoration Plan, in the not-to-exceed amount of \$158,848, using funds previously appropriated for the Albany Hill Eucalyptus Project (CIP No. 41015).

- 7-10.** Amendment #3 to Contract No. C16-28 with Phillips Seabrook Associates for Community Development Department Project Review and Inspection Services

Staff Recommendation: That the Council adopt Resolution No. 2023-49, authorizing the City Manager to execute Amendment #3 to Contract No. C16-28 with Phillips Seabrook Associates for Community Development Department project review and inspection services

- 7-11.** Cooperative Agreement with University of California Berkeley

Staff Recommendation: That the Council approve the Cooperative Agreement between the City of Albany and the University of California Berkeley

- 7-12.** Fiscal Year 2023-24 Community Development Block Grant Project Agreement with Alameda County

Staff Recommendation: That the Council adopt Resolution No. 2023-50, authorizing the City Manager to enter into an agreement with Alameda County for the use of Fiscal Year 2023-24 Community Development block Grant funds in the amount of \$118,308 and authorizing the appropriation of said funds to be reimbursed to the City for expenditures incurred.

- 7-13.** Recommendation of Consultant to Conduct Racial Equity Survey

Staff Recommendation: That the Council authorize staff to work with The Justice Collective to develop a contract for services to conduct a racial equity survey for the City of Albany.

Mayor Tiedemann asked if anyone wishes to remove items from the consent calendar. Council Member Jordan removed Item 7-9. Members of the public removed Items 7-4, 7-7, 7-9, and 7-13.

Item 7-9: Council Member Jordan encouraged staff to compensate Sogorea Te and Lisjan Ohlone people who provide consulting services.



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A summary of public comment is as follows: an inquiry regarding filling the Parks, Recreation & Open Space (PROS) Commission seat; a suggestion for the City to hire an employee rather than contract with a vendor for janitorial services; a suggestion to award the consulting services contract for the Albany Hill Eucalyptus Project to the Ohlone tribe; an inquiry regarding the Racial Equity Survey.

Mayor Tiedemann reported an informational item will appear on the Council agenda when Vice Mayor Miki makes an appointment to the vacant PROS Commission seat.

City Manager Almaguer advised that janitorial services are provided daily, often multiple times a day, in all City facilities. A contract for janitorial services is the most effective approach.

Council Member Jordan explained that the consultant will conduct the Racial Equity Survey.

MOTION:

Moved by Council Member Jordan, seconded by Council Member Hansen-Romero, to approve the consent calendar.

AYES: Council Members Hansen-Romero, Jordan and López, Mayor Tiedemann

NOES: None

ABSENT: Vice Mayor Miki

Motion carried and so ordered.

8. PRESENTATION

8-1. Revenue Measures Overview

Staff Recommendation: That the Council receive a presentation from NBS Government Solutions regarding an overview of municipal revenue options and provide feedback to staff on any next steps.

Finance & Administrative Services Director Heather Rowden presented the staff report. A fee study of sewer rates was last conducted in July 2017. Consumer Price Index (CPI) adjustments for sewer rates expired in July 2022. Staff is planning to conduct another fee study. Storm drains are funded through a stormwater fee and the 2006 Measure F parcel tax. The stormwater fee does not increase annually, but the parcel tax has an annual CPI increase. Per state law, sidewalk repair and maintenance are the responsibility of the adjacent property owner. In 2016, voters approved Measure P1, a 10-year parcel tax, to support sidewalk repair. In 2022, the Council chose not to proceed with updating the business tax due to a lack of data. Staff is planning to collect additional data prior to presenting another proposal to the Council. Staff is exploring different types of bonds to increase revenue; however, the City's bond capacity is approximately \$10 million.

Tim Seufert, NBS Government Solutions, briefly explained taxes, community facilities districts (CFD), benefit assessments, rates, fees, and charges that are used to increase



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revenue. Tax revenue is more general in nature and can flow across the City. A benefit assessment district has to have a nexus to the property. Parcel taxes are not benefit-based and require two-thirds voter approval. Benefit assessments are benefit-based and require 50% approval by property owners. Property-related fees other than water, sewer, and trash fees require rigorous analysis and a ballot. The Council should update City rates and fees regularly. A Cost Allocation Plan needs to be developed to justify fees. An ad valorem tax can be used for capital improvement costs only and requires a two-thirds voter approval.

A summary of public comment is as follows: support for a storm drain tax.

A summary of Council comment is as follows: interest in eliminating sales tax and/or imposing a business tax on gross revenue from non-taxable services; a general obligation (GO) bond could fund housing; a business tax based on gross receipts would negatively affect independently owned businesses and may drive them from the City; interest in creating an assessment district for street lighting, restructuring the sewer and storm drain fees, and re-authorizing the sidewalk tax and including street tree and street light maintenance.

9. PUBLIC HEARING

9-1. Public Hearing on the Levy of Assessments within Assessment District No. 1988-1 for Fiscal Year 2023-24 pursuant to the Landscaping and Lighting Act of 1972

Staff Recommendation: That the Council adopt Resolution No. 2023-51, confirming the diagram and assessment, levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2023/24 (pursuant to the Landscaping and Lighting Act of 1972) and ordering of the levy to be placed on the Fiscal Year 2023/24 secured property tax roll

Program Manager Devora Zauderer presented the staff report. As required, the Council adopted resolutions initiating proceedings, preliminarily approving the engineer's report, declaring the Council's intention to levy and collect assessments, and setting June 23, 2023 as the date of the public hearing. Landscaping and Lighting Assessment District 1988-1 provides funding for the installation, maintenance, and servicing of park and recreational facilities. The assessment is \$75.54 for single-family residential parcels and has not increased since fiscal year (FY) 1993-94.

MOTION:

Moved by Council Member Jordan, seconded by Council Member López, to adopt Resolution No. 2023-51, confirming the diagram and assessment, levying assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2023/24 (pursuant to the Landscaping and Lighting Act of 1972) and ordering of the levy to be placed on the Fiscal Year 2023/24 secured property tax roll.

AYES: Council Members Hansen-Romero, Jordan and López, Mayor Tiedemann

NOES: None



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ABSENT: Vice Mayor Miki

Motion carried and so ordered.

9-2. Seismic Safety Soft Story Retrofit Ordinance, First Reading

Staff Recommendation: That the Council:

1. Introduce and waive for first reading Ordinance No. 2023-04, an ordinance amending the Code of the City of Albany, California (1988) to require seismic retrofit of certain residential buildings, and
2. Adopt Resolution 2023-52, authorizing the Mayor to send letters of support advocating for state funding of soft story retrofits.

Community Development Analyst Michelle Plouse presented the staff report. Wood frame target story (WFTS) or “soft story” buildings are multiunit, wood-frame buildings that are vulnerable to collapse or damage during an earthquake. Mandatory retrofit programs are common in the Bay Area and Southern California. Approaches to retrofitting a WFTS building include adding wood sheathing to existing stud walls, new walls as needed, or a steel frame or column at an open front. Of the 335 multiunit buildings in Albany, staff suspects approximately 130 are WFTS buildings.

The proposed ordinance applies to WFTS buildings with three or more units and built prior to 1981.

The proposed ordinance does not allow eviction if tenants are required to relocate temporarily due to retrofit work. A tenant may not refuse to relocate temporarily for required work. Buildings with units in the work area will be placed in the later tiers. Retrofit work may be delayed to avoid tenant displacement.

Resolution No. 2023-52 authorizes the Mayor to send letters advocating for State funding of soft-story retrofits. Because retrofit grants are under discussion in the State budget process, the letters may be influential in the future.

MOTION:

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

AYES: Council Members Hansen-Romero, Jordan and López, Mayor Tiedemann

NOES: None

ABSENT: Vice Mayor Miki

Motion carried and so ordered.

A summary of Council comment is as follows: appreciation for staff’s work and community outreach; a proposal to codify language regarding landlord and tenant rights.

MOTION:

Moved by Council Member Jordan, seconded by Council Member López, to 1) introduce and waive for first reading Ordinance No. 2023-04, an ordinance amending the Code of the City of Albany, California (1988) to require seismic retrofit of certain residential



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buildings, with amendments to extend the ordinance’s effective date from 30 days to 90 days, place the definition section first, and define Building Official; 2) adopt Resolution No. 2023-52, authorizing the Mayor to send letters of support advocating for state funding of soft story retrofits; and 3) direct staff to return with information regarding tenant relocation.

AYES: Council Members Hansen-Romero, Jordan and López, Mayor Tiedemann

NOES: None

ABSENT: Vice Mayor Miki

Motion carried and so ordered.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

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 | Tiedemann | Miki |
| Alameda County Transportation Commission | Jordan | Miki |
| Alameda County Waste Management Authority | Hansen-Romero | Jordan |
| Association of Bay Area Government | Tiedemann | Jordan |
| East Bay Community Energy JPA Board | Tiedemann | López |
| East Bay Sports Field Recreational Authority JPA | Miki | Hansen-Romero |
| Housing Authority of Alameda County | McQuaid | N/A |
| League of California Cities (East Bay) | Miki | López |
| Alameda County Mosquito Abatement District | López | N/A |
| Alameda County Library Advisory Commission | Jordan | Tiedemann |
| Rausser College of Natural Resources Dean’s Advisory Committee on the Gill Tract (DAC) | López | N/A |
| Police & Fire Pension Fund Board | Tiedemann | Miki |
| Alameda County Paratransit Advisory & Planning Committee (PAPCO) | (vacant) | N/A |

Mayor Tiedemann reported he attended an East Bay Community Energy (EBCE) executive committee meeting; an Association of Bay Area Government (ABAG) housing committee meeting where they discussed the Bay Area Housing Finance Authority (BAHFA) Rental Assistance Program; Alameda County Mayors’ Conference homeless working group meeting where they discussed encampment surveys and resources; the Alameda County Mayors’ Conference where they learned about the Hope Center, Insight Housing (formerly Berkeley Food & Housing Project), and the Home Together Community Plan; an ABAG General Assembly where they approved a budget and work plan; and an



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ABAG legislative committee meeting where they endorsed a state bill for a \$10 million bond.

Council Member López reported the Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract is planning a July meeting. He attended a meeting of the Alameda County Mosquito Abatement District where they reviewed the general manager's performance and learned about an incident call from Albany and native and non-native mosquito species.

13. FUTURE AGENDA ITEMS

None.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, June 21, 7:00 PM, City Hall Council Chambers
2. Transportation Commission Meeting, Thursday, June 22, 7:00 PM, City Hall Council Chambers
3. Planning & Zoning Commission Meeting, Wednesday, June 28, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT


10:41 p.m. There being no further business before the City Council, Mayor Tiedemann adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.



Aaron Tiedemann
Mayor

Attest:



Anne Hsu, City Clerk