



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, March 18, 2024

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

#### **1. CALL TO ORDER / LAND ACKNOWLEDGEMENT**

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

Absent: None

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

#### **4. CEREMONIAL MATTERS**

##### **4-1. Proclamation – American Red Cross Month**

Council Member Jordan presented the proclamation to the Development Communications Manager of the American Red Cross Northern California Coastal Region.

A summary of Council comment is as follows: appreciation for the Red Cross' first aid classes and response to disasters.

##### **4-2. Proclamation – Women's History Month & International Women's Day**

Council Member Hansen-Romero presented the proclamation to the Albany High School Feminist Club Co-Presidents.

A summary of public comment is as follows: efforts to improve pay equity for women need to continue.

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

City Manager Nicole Almaguer reminded community members to subscribe to the City e-News ([www.albanyca.org/enews](http://www.albanyca.org/enews)) to receive information about community events. Information about the new Housing Advisory Commission is available at all City facilities, the City website, Albany Unified School District (AUSD), and University Village, and staff will distribute information to more locations soon. Housing Advisory Commission applications with supplemental questionnaires received by March 29, 2024, will be the first of review by the Council. Applications are also being accepted for vacant seats on the Arts Committee and Planning & Zoning Commission. Construction of pickleball courts and amenities at Ocean View Park will begin soon. High school seniors and college students are encouraged to apply for the City's Habitat Restoration internship program on Albany Hill. Friends of Albany Parks is sponsoring a clean-up day on March 23, 2024, on the Ohlone Greenway. Registration is open for the Friendship Spring Camp for the week of April 1, 2024. Submissions for the Albany Murals Project Call for Artists are due May 20, 2024. Construction of the San Pablo Pedestrian Improvement Project has begun



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and will continue through approximately March 25, 2024. As part of the project, work near Portland Avenue is expected to begin March 26, 2024, and continue to April 22, 2024. Construction updates can be found on the construction alerts page of the City website.

A summary of public comment is as follows: suggestion to publicize more for the Housing Advisory Commission.

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

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: additional improved parking is needed near the waterfront park; a recommendation from the Ad Hoc Subcommittee is needed for a ceasefire resolution.

### 7. CONSENT CALENDAR

#### 7-1. Minutes – March 4, 2024

Staff Recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 3/8/2024: Net Amount \$418,248.96, Taxes/Benefits/Deductions \$444,313.40, Total Payroll \$862,562.36

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 \$179,235.95 (3/1/2024), \$345,949.07 (3/8/2024)

#### 7-4. Letter of Support – Ava Community Energy's Application for Health-e Communities

Mayor Miki Recommendation: That the Council note and file the letter as submitted

#### 7-5. Contract Amendment with Chavan & Associates for Financial Audit Services

Staff Recommendation: That the Council adopt Resolution No. 2024-14, authorizing the City Manager to enter into Amendment #2 for contract No. C19-65 for an extension of the contract with Chavan & Associates for financial audit services through FY2023/24 at a total cost of \$91,550

Mayor Miki asked if anyone wished to remove items from the consent calendar. No one requested removal of an item.



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### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.

## **8. PRESENTATION**

### **8-1. Annual Comprehensive Financial Report (ACFR) and Annual Audit for Fiscal Year (FY) 2022/23**

Staff Recommendation: That the Council receive a report on the audit results and accept the City's ACFR for the fiscal year ended June 30, 2023

Interim Finance Director Reina Schwartz introduced the auditor – Sheldon Chavan, Chavan and Associates LLP.

Sheldon Chavan, Chavan and Associates LLP, reported the key factors of the audit process are risk assessment and planning. The auditors utilized the Generally Accepted Auditing Standards (GAAS) and the Generally Accepted Governmental Auditing Standards (GAGAS) in order to express an opinion of whether or not the financial statements are free of material misstatement as of June 30, 2023. The Annual Comprehensive Financial Report (ACFR) contains introductory, financial, and statistical information.

The Statement of Net Position indicates a \$16 million increase in the net pension liability from 2022 to 2023 because of the California Public Employee Retirement System's (CalPERS) high estimate of investment returns. Taxes are the most significant revenue source for the City. Pensions more significantly impacted expenses for police, fire, and emergency medical services than expenses for other City functions.

The audit resulted in unmodified audit opinions, no material weaknesses, no disagreements with management, and no material passed-on adjustments but some control deficiencies. The City is making progress in eliminating control deficiencies.

A summary of Council comment is as follows: appreciation for staff's progress.

### **8-2. Fiscal Year 2023/24 Second Quarter Budget Review and Mid-Year Update**

Staff Recommendation: Report is for informational purposes only. No action required.

Interim Finance Director Schwartz presented the staff report. Revenues are currently less than budgeted, but sales tax collected in December 2023 was not received until February



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2024. With December 2023 and January 2024 sales tax received, revenues more closely align with budgeted amounts. Staff is exploring the possibility of consistently transferring funds from special funds to the general fund so that revenues are more even throughout the fiscal year (FY). Expectations for sales tax revenues are softening; therefore, staff suggests a conservative approach for estimating revenues. Staff expects the closures of Golden Gate Fields and Kelly-Moore Paints will negatively impact tax revenues in FY 2024/25.

Department expenditures are generally within budgeted amounts. Labor costs are the largest component of the City's budget. Staff anticipates providing an estimate of year-end financial information with the third quarter update and budget adjustments for FY 2023/24 and FY 2024/25 in May or June 2024.

A summary of public comment is as follows: Ms. Schwartz and Ms. Murphy (Cassandra Murphy, Finance Manager) are assets to the City; inquiry regarding recruitment; an inquiry regarding the closing of financials monthly.

Interim Finance Director Schwartz advised that staff is moving toward closing financial information monthly. Mistakes may be found and corrected more quickly with a month-end closing. Also, year-end closing can occur more quickly and efficiently with month-end closing.

A summary of Council comment is as follows: additional clarification of the relationship between the fourth-quarter report and the year-end report may be helpful.

### 9. PUBLIC HEARING

#### 9-1. New Solid Waste Collection Service Agreement and First Amendment to the Disposal Agreement with Waste Management of Alameda County (WMAC)

Staff Recommendation: That the Council adopt Resolution No. 2024-15, authorizing the City Manager to execute the new solid waste Collection Service Agreement and the First Amendment to the Disposal Agreement with Waste Management of Alameda County (WMAC)

Community Development Director Jeff Bond presented the staff report. Over the past four years, staff has updated the Collection Service Agreement and the Processing, Transfer and Disposal Service Agreement (Disposal Agreement) and provided progress reports to the Council. R3 Consulting Group, Inc. (R3) has assisted staff in negotiating with Waste Management of Alameda County (WMAC).

Garth Schultz, President of R3, reported the City has contracted with WMAC since 2011. The current agreements are not financially sustainable for WMAC and do not include programs and services that comply with Senate Bill (SB) 1383 requirements. New programs and services contained in the proposed Collection Service Agreement provide standardization of container colors and labeling, contamination monitoring and inspection



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with recordkeeping and reporting, and technical assistance for multifamily dwellings and businesses.

The proposed Collection Service Agreement has a 15-year term beginning May 1, 2024, and an option for a five-year extension. The proposed Disposal Agreement will extend the current agreement so that it is coterminous with the Collection Service Agreement with an option for a five-year extension. Both agreements include rate increases to cover costs and provide a fair profit to WMAC. Additional terms include compost procurement and delivery, public education and outreach, food pails for multifamily tenants, a full-time recycling coordinator staffed by WMAC, bulky item collection for single-family and multifamily dwellings, a bulky item reuse and hard-to-recycle program, vehicle upgrades and transition to zero-emission vehicles, abandoned waste collection, special events collection, performance reviews, and a solid waste contracting payment.

Residential rates will apply to properties with less than five dwelling units. A low-income discount will be available to residential-rate customers enrolled in the PG&E CARE Program. Customers currently utilizing the 10-gallon garbage service will switch to 20-gallon (or higher) service on May 1, 2025. Overall, residential rates will increase 28%.

Garbage rates for multifamily and commercial customers will increase 28% beginning May 1, 2024. Recycling charges will be set at 50% of the garbage rate effective December 1, 2024. Recycling and organic charges will increase to 70% of the garbage rate on May 1, 2025, and 90% of the garbage rate on May 1, 2026. For roll-off customers, garbage rates will increase 28% effective May 1, 2024, and recycling and organics service will be charged at garbage rates.

Additional terms in the Collection Service Agreement include annual increases of 2% to 7.5% beginning in 2025, new contamination and overage surcharges, right-sizing for habitual overages, and special assessments for multifamily dwellings. The proposed Disposal Agreement changes per ton tipping fees to market costs and aligns definitions and other terms and conditions with the Collection Service Agreement.

Language added to the Collection Service Agreement allows the City to staff the recycling coordinator position in exchange for the contractor paying the City \$90,000 per year with an annual escalator; requires the contractor to track customers that change service levels; and clarifies the definition of force majeure and excuse from performance.

The rate increases will cause the City to have higher rates than most comparable cities for the first few years, but the rates should equalize as cities negotiate new contracts. To control costs, customers can right size their service levels, reduce overall waste streams, and utilize alternative services for recyclables and organics.

A summary of public comment is as follows: inquiries regarding an insert and the charge for it, bi-weekly service, and an insert for recyclables and organics.



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Mr. Schultz advised that an insert reduces the size of a 20-gallon bin to 10 gallons, and customers are charged the 10-gallon rate. If a customer is charged the 10-gallon rate but an insert is not present at the time of WMAC's service audit, the rate is changed to the 20-gallon rate, and the customer is charged for the previous service. The 10-gallon service will cease on May 1, 2025. Biweekly service is not available and provides little cost savings. Smaller recyclable and organic bins may be provided, but the overall rate will not change.

A summary of Council comment is as follows: increasing the rates seems to contradict the goal of reducing waste streams; the 10-gallon rate does not cover the costs of collection; support for the proposed agreements; customers should focus on the diversity of housing types and multigenerational families rather than bin size.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Hansen-Romero, to adopt Resolution No. 2024-15, authorizing the City Manager to execute the new solid waste Collection Service Agreement and the First Amendment to the Disposal Agreement with Waste Management of Alameda County as presented.

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

NOES: None

Motion carried and so ordered.

## **10. UNFINISHED BUSINESS**

## **11. NEW BUSINESS**

**11-1.** City Council Ad Hoc Subcommittee to review applications and make recommendations on appointments to the Housing Advisory Commission

Staff Recommendation: That the Council select two members to form an ad hoc subcommittee to review applications received from members of the community seeking appointment to the newly established Housing Advisory Commission and make a recommendation to the City Council regarding the appointees to the Commission for ratification by the City Council

Community Development Director Bond presented the staff report. On March 4, 2024, the Council established the Housing Advisory Commission (HAC) to make recommendations to the City Council regarding implementation of the Housing Element. The five-member HAC is comprised of at least one tenant, one affiliate of a local educational institution, and one rental provider that may be either a resident of or provide rental housing in the City of Albany. The Council also requested the formation of a subcommittee to review HAC applications and to make a recommendation to the Council regarding appointees.



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### MOTION:

Moved by Council Member Jordan, seconded by Mayor Miki, to appoint Council Member Hansen-Romero and Council Member Tiedemann to the subcommittee.

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

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  | Miki          | López     |
| Alameda County Transportation Commission   | Jordan        | Miki      |
| Alameda County Waste Management Authority  | Hansen-Romero | Jordan    |
| Association of Bay Area Government   | Tiedemann     | Jordan    |
| Ava Community Energy JPA Board   | Tiedemann     | López     |
| East Bay Sports Field Recreational Authority JPA                                       | Hansen-Romero | Miki      |
| 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   | Miki          | Tiedemann |
| Alameda County Paratransit Advisory & Planning Committee (PAPCO)                       | (vacant)      | N/A       |

Council Member Tiedemann reported attending meetings of the Ava Community Energy Joint Powers Authority Board and Executive Committee, where he was elected to the Offices of Board Vice Chair and Executive Committee Chair, the Chief Executive Officer (CEO) announced his resignation, and they discussed enrollment of Stockton and Lathrop and a new grant process. He also reported his participation in Ava Lobby Day in Sacramento and his attendance at an Association of Bay Area Governments (ABAG) Housing Committee meeting, where they discussed labor standards for the Bay Area Housing Finance Authority (BAHFA) bond.

Vice Mayor López reported Gill Tract hosted an Occupy the Farm event and continues to provide free compost. He also reported attending a meeting of the Alameda County Mosquito Abatement District, where they renamed a laboratory, discussed vacant seats, and updated the Policy Manual.

Council Member Jordan reported attending an Alameda County Transportation Commission (ACTC) Planning, Policy and Legislation Committee meeting, where they reviewed the congestion report.



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Council Member Hansen-Romero reported attending the Alameda County Waste Management Authority Board meeting, where they reviewed a multiyear fiscal forecast.

Mayor Miki reported attending a League of California Cities event in San Pablo and hosted the Alameda County Mayors' Conference in Albany, where they toured graduate student housing in UC Village.

### 13. FUTURE AGENDA ITEMS

Vice Mayor López requested items regarding an equal pay ordinance for City vendors, a memorial for Dr. Frank Wells, an acknowledgement of Black Panther founder Bobby Seale's residency in Albany, and parking around the Albany Bulb site.

Mayor Miki requested a discussion of parking restrictions during events at the Albany Bulb.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, March 20, 7:00 PM, City Hall Council Chambers
2. Policing Commission Meeting, Thursday, March 21, 7:00 PM, City Hall Council Chambers
3. Planning & Zoning Committee Meeting, Wednesday, March 27, 7:00 PM, City Hall Council Chambers
4. Transportation Commission Meeting, Thursday, March 28, 7:00 PM, City Hall Council Chambers
5. City Council Meeting, Monday, April 1, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

9:48 p.m. There being no further business before the City Council, Mayor Miki adjourned the meeting following a moment of silence in memory of Dr. Frank Wells.

Minutes submitted by Anne Hsu, City Clerk.

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John Miki  
Mayor

Attest:

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Anne Hsu, City Clerk