



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, May 20, 2024

Date approved: June 3, 2024

SPECIAL MEETING: 6:15 PM

1. CALL TO ORDER / ROLL CALL

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

Absent: None

2. CLOSED SESSION

2-1. Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Gov. Code section 54956.9(d)(2) – (1 case)

No public comment received.

ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Mayor Miki 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

City Attorney Mala Subramanian announced no reportable action from Closed Session.

4. CEREMONIAL MATTERS

4-1. Proclamation – Albany YMCA Director Mary D’Elias Retirement

Mayor Miki presented the proclamation to Mary D’Elias.

A summary of Council comment is as follows: thanks for Ms. D’Elias’ service.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the Racial Equity Survey is on hold so that staff can ensure it is representative of the Albany community, and expressed appreciation to community members that provided comments regarding the survey. The Albany Fire Department (AFD) is partnering with UC Village to expand the Community Emergency



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Response Team (CERT) training. AFD will participate in high-rise training in Berkeley. A free household hazardous waste event is scheduled for June 2, 2024, and appointments can be made at stopwaste.org. The Senior Center is celebrating Older Americans Month with several events, including an ice cream social on May 23, 2024, and a movie on May 28, 2024. The American Red Cross is hosting a blood drive on June 4, 2024, at the Community Center. Registration for Friendship Summer Camp is underway. San Francisco Opera will perform *Bohème Out of the Box* on June 27, 2024 and offer a family workshop prior to the performance. The conversion of a tennis court to pickleball courts at Ocean View Park should be complete by the end of May 2024. The 2023 Pavement Maintenance and Repair Project is substantially complete. The Public Works Department is pleased with the new electric-powered tools.

A summary of public comment is as follows: congratulations on expanding CERT training and purchasing electric-powered tools; electric vehicles are a viable alternative to gas-powered vehicles.

City Manager Almaguer added that the City's landscape contractors utilize electric equipment.

6. GOOD OF THE CITY / PUBLIC COMMENT

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: support for expanding the noticing distance for large, multistory development projects; concerns for the Racial Equity Survey not all inclusive; suggestion of a vacancy tax; inquiry on the link to view agenda information on the City website; suggestion of electric vehicle for the parking enforcement; one weekend per month through June 2026, bus service will replace BART train service during replacement of train interlockings; support for efforts to increase affordable housing.

City Attorney Subramaniam reported state law requires noticing of public hearings regarding discretionary permits to property owners within 300 feet of the subject property. Anyone can request notice of public hearings and meetings from the City Clerk; the City may charge a fee for notices. Increasing the distance would have time and financial impacts.

7. CONSENT CALENDAR

7-1. Minutes – May 6, 2024

Staff Recommendation: Approve

7-2. Ratification of Payroll – Date Paid 5/3/2024: Net Amount \$408,726.01, Taxes/Benefits/Deductions \$440,177.75, Total Payroll \$848,903.76

Staff Recommendation: Ratify



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- 7-3.** Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$670,769.92 (5/3/2024), \$249,920.91 (5/10/2024)

Staff Recommendation: Ratify

- 7-4.** Advisory Body Resignation:

- Haadiyah Mohammed appointed by Mayor Miki resigned from the Climate Action Committee

Staff Recommendation: Information item

- 7-5.** City Contractor Equal Pay Act Compliance Ordinance – Second Reading – Pass to Print

Staff Recommendation: That the Council adopt Ordinance No. 2024-01, amending Chapter 2 of the Albany Municipal Code by adding a new section entitled “City Contractor Equal Pay Act Compliance”

- 7-6.** Annual State SB 1 / RMRA Project List Submittal for Funding by the Road Repair and Accountability Act of 2017

Staff Recommendation: That the Council adopt Resolution No. 2024-29, authorizing staff to submit for re-listing the following proposed project to be funded in-part or solely with Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account 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. This project is part of the Annual Street Rehabilitation Program (CIP No. 21000).
- Project Location: Marin Avenue between Cornell Avenue and Tulare Avenue (City Limits)
- Estimated Project Schedule: Phase 1: Completed; Phase 2: Design Summer 2024, Advertisement Fall 2024, Construction completion est. Fall 2025
- Estimated Project Useful Life: approximately 30 years

- 7-7.** Computer Courage Contract Extension for Information Technology Helpdesk Support Services

Staff Recommendation: That the Council adopt Resolution No. 2024-30, authorizing the City Manager to execute a one-year contract extension with Computer Courage for information technology (IT) professional support services in an amount not to exceed \$224,640



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7-8. Recommendation from the Climate Action Committee for Electrification of the City Vehicle Fleet and Public Charging Infrastructure

Climate Action Committee Recommendation:

1. Require all City departments to prioritize electric vehicles when replacing any City vehicle, with the goal of replacing all non-emergency City vehicles with EVs by FYE 2034, and to transition police pursuit and other emergency vehicles as viable EV options are available;
2. Direct staff to develop plans for a capital improvement project for the next CIP cycle for installation of charging stations to serve the City vehicle fleet transition to EVs;
3. Direct staff to develop plans for a capital improvement project for the next CIP cycle for installation of public charging stations on Albany City properties

Staff Recommendation: That the Council provide direction to staff to:

1. Evaluate the most effective manner to charge future City electric vehicles to ensure the City fleet meets or exceeds State electric vehicle requirements;
2. Based on selected charging infrastructure, develop and implement a fleet strategy that meets or exceeds State electric vehicle requirements; and
3. Develop a strategy to expand charging capacity in partnership with service providers and private and public properties throughout the City

7-9. Memorandum of Understanding (MOU) between the City of Albany and Albany Fire Fighters' Association (AFFA), I.A.F.F. Local 5130

Staff Recommendation: That the Council adopt Resolution No. 2024-32, approving the MOU between the City of Albany and AFFA

Mayor Miki announced Item 7-9 has been continued and asked if anyone wishes to remove items from the consent calendar. A member of the public removed Item 7-8.

A summary of public comment is as follows: support for adoption of Item 7-8.

MOTION:

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to approve Items 7-1 through 7-8 of 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. Presentation from City of Berkeley Mayor Jesse Arreguin and Council Member Sophie Hahn on Impacts of Alta Bates Hospital Closure



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Mayor Jesse Arreguin and Council Member Sophie Hahn, City of Berkeley, reported the Berkeley Institute of Urban and Regional Development conducted a study, entitled Rapid Health Impact Assessment-Proposed Closure of Alta Bates, in December 2018 following Sutter Health’s decision to close Alta Bates Hospital by 2030.

The impacts of closure include an increased burden on regional emergency medical services (EMS), emergency department overcrowding, an increase in ambulance diversion, an increase in travel times for patients, and a lack of coordinated disaster preparedness for regional healthcare providers. The closure will also decrease access to urgent and chronic care for vulnerable populations, decrease regional spending, and increase costs for local governments.

Regional leaders continue to meet and work toward retaining Alta Bates or finding an acceptable alternative. An updated and expanded study is expected in August 2024.

A summary of public comment is as follows: residents would support a bond measure to fund the continued operation of Alta Bates; Alta Bates offers services that other hospitals do not offer; elected officials need to prioritize efforts to save Alta Bates Hospital.

A summary of Council comment is as follows: the closure of Alta Bates will affect travel time to the nearest hospital and AFD’s services; future population growth has to be a factor in planning healthcare services.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Kains and Adams Bikeway Pilot Evaluation

Transportation Commission Recommendation: That the Council direct staff to prepare designs to implement the contraflow bicycle lane option (staff recommendation) for purposes of completing the Caltrans Active Transportation Program grant application and give serious consideration to options 1 (Existing Pilot configuration) and 2 (Two-way Through Traffic with Forced Rights Turns) due to the Transportation Commission’s uncertainty and out of respect for absent Commissioners

Staff Recommendation: That the Council adopt Resolution 2024-33:

1. Directing staff to prepare designs for a revised layout that includes: 1-way motor vehicle traffic, a contraflow bicycle lane, parallel parking, wayfinding signage, additional intersection treatments to facilitate safer crossings at all intersections, and additional measures to address vehicle volumes on the 700 and 800 blocks of Kains and the 900 block of Adams; and
2. Authorizing the City Manager to submit a grant application for the Kains & Adams Bikeway to the California Active Transportation Program and enter into a funding agreement with Caltrans upon award of grant



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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, or minor alteration of existing public facilities, involving negligible or no expansion of existing use

Transportation & Sustainability Manager Justin Fried presented the staff report. The Active Transportation Plan (ATP) calls for bicycle facilities parallel to San Pablo Avenue on Kains Avenue and Adams Street. The Council approved the Kains and Adams Bikeway Pilot Project (Project) in 2019, and the Project was installed in 2023 that permits two-way vehicular traffic internal to each block, barriers restrict vehicular entrance onto Kains and Adams, and two-way travel for bicycles. Staff has identified the Project as a good candidate for an Active Transportation Program Quick-Build Grant, which has an application deadline of June 17, 2024.

A survey garnered 155 responses and revealed a high percentage of respondents utilize the redesigned street every day or a few times a week for driving, walking and cycling. Respondents’ concerns regarding the Project were primarily confusion about traffic and/or parking laws, motor vehicle speed, and safety at intersections. Respondents preferred converting the streets to their previous one-way vehicular traffic, adding traffic calming measures, and increasing bicyclist safety at intersections.

Design options are to 1) continue the Project; 2) continue the Project but remove vehicular ingress restrictions and add forced right turns at egress; and 3) return to one-way vehicular traffic with existing parking and convert the bicycle facility to a shared travel lane in one direction and a contraflow bicycle lane in the other direction. Staff recommends the third option, the “Chicago Contraflow.” The advantages of option 3 are the potential to slow traffic, a dedicated space for bicyclists in one direction of travel, and the reduction in travel time for emergency responders. Disadvantages are the potential for motorists to drive across and in the contraflow bicycle lane and motorists’ limited visibility of bicyclists.

Staff also recommends wayfinding, crossing, and vehicle access signage, traffic circles, flashing beacons, stop controls, speed tables, and traffic volume management such as right-in right-out and alternating one-way streets.

A summary of public comment is as follows: support for the Chicago Contraflow option, painting the bike lane the length of the street, and adding components as resources are available; opposition for the Chicago Contraflow option; support for increasing the safety of bicyclists and installing traffic calming measures.

Transportation and Sustainability Manager Fried reported changes will not be made to the existing Project until a new design is ready for implementation.

A summary of Council comment is as follows: the contraflow bicycle lane should be on the passenger side of parked vehicles; the latest edition of the Manual on Uniform Traffic



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Control Devices (MUTCD) includes contraflow cycling lanes, which means contraflow cycling lanes have been tested extensively and found to be safe; a preference for stop signs on cross streets to Kains and Adams and a traffic circle on Stannage at Dartmouth; support for the staff recommendation, a painted bike lane, and traffic circles.

MOTION:

Moved by Mayor Miki, seconded by Council Member Tiedemann, to adopt Resolution 2024-33, 1) directing staff to prepare designs for a revised layout that includes: 1-way motor vehicle traffic, a contraflow bicycle lane, parallel parking, wayfinding signage, additional intersection treatments to facilitate safer crossings at all intersections, and additional measures to address vehicle volumes on the 700 and 800 block of Kains and the 900 block of Adams with consideration of feedback provided by the Council; and 2) authorizing the City Manager to submit a grant application for the Kains & Adams Bikeway to the California Active Transportation Program and enter into a funding agreement with Caltrans upon award of grant.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Tiedemann, seconded by Mayor Miki, to extend the meeting to 11:00 PM in order to hear rest of the items on the agenda.

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

NOES: None

Motion carried and so ordered.

10-2. Supplemental Business License Special Tax to Fund Tenant and Community Services

Council Member Jordan & Tiedemann Recommendation: That the Council direct staff to prepare a ballot measure instituting a supplemental business license special tax increment on rented residences to continue funding for several programs currently funded by the American Rescue Plan Act (ARPA), most centrally the City's emergency financial support program for tenants, and to fund rental code enforcement along with legal counsel for tenants and rental providers

Mayor Miki recused himself from the item because of his ownership interest in rental property.

Council Members Jordan and Tiedemann presented their memorandum. Programs funded with monies from the American Rescue Plan Act (ARPA) will cease by the end of 2026 or when all ARPA funds have been spent. ARPA funding has been used to expand some programs, particularly emergency financial assistance for tenants, which benefits both tenants and landlords. The proposed business license special tax would replace



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ARPA funding and needs to be passed before 2026. A tax based on gross rental revenue would match the approach and overall rate utilized by neighboring jurisdictions and scale with the size and means of rental providers.

The City has an existing business license tax of \$115 per rental unit. The existing tax rate, based on the average monthly rent, is approximately 0.4%. The proposal is to institute a tax rate of 1.7% on owners of more than four units and a tax rate of 0.6% on owners of less than five units. The owners of approximately 704 units have not obtained a business license. The proposed tax rates and collection of taxes from owners who do not have a business license would generate approximately \$800,000 per year.

The proposal includes allocating tax revenues as follows: \$125,000 for staffing; \$200,000 for rental assistant, financial stability, and debt relief; \$100,000 for ensuring collection of business license fees (a one-time expenditure); \$100,000 for legal services for tenants and rental providers; \$30,000 for rent review; \$250,000 for Albany Project HOPE; \$125,000 for Albany CARES; and any remaining revenue for additional means-tested subsidies. Allocating tax revenues in this way would either benefit rental providers or help regulate the rental market.

MOTION:

Moved by Council Member Hansen-Romero, seconded by Council Member Tiedemann, to extend the meeting to 11:30 PM.

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

NOES: None

RECUSED: Mayor Miki

Motion carried and so ordered.

A summary of public comment is as follows: inquiries regarding the effectiveness of programs to assist unhoused people and the application of the proposed tax to UC Village; concerns for 4% of the community would pay the tax, but 100% of the community would benefit from it; an inquiry as to whether the tax is a general or specific tax; the Housing Advisory Commission should review the proposal; the Council should focus on incentives to retain legacy rental providers and to produce more housing; opposition to the proposal; programs have been successful in assisting people with housing; taxing housing providers only is inherently unfair and arbitrary; questions regarding reporting revenues and confidentiality of data; more data and analyses are needed.

City Manager Almaguer clarified UC Village does not pay parcel taxes or special taxes.

City Attorney Subramanian advised that the proposal would be a special tax and require a two-thirds majority vote to pass.

Council Member Tiedemann stated funds from the Bay Area Housing Finance Authority (BAHFA) bond, if passed, would be utilized for production and preservation of housing. The proposed business license special tax pertains to housing protections, which cannot currently be financed by the BAHFA bond.



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Council Member Jordan presumed revenue reporting would be protected. City staff provided data regarding program costs. The allocation for rental assistant, financial stability, and debt relief is approximately two-thirds of the \$300,000 expended in less than a year.

A summary of Council comment is as follows: the Housing Advisory Commission needs to review the proposal; the tax proposal needs to be placed on the 2024 ballot to prevent the loss of services; more discussions will occur if a measure is placed on the ballot; concern that a majority of voters would not be subject to the tax; interest in learning more about the rental providers who do not have a business license; a suggestion to form an ad hoc committee to obtain additional input while staff prepares a ballot measure.

MOTION:

Moved by Council Member Hansen-Romero to continue the item to a future meeting and refer the proposed business license special tax to the Housing Advisory Commission, once it is established.

Motion failed for lack of a second.

MOTION:

Moved by Council Member Hansen-Romero, seconded by Council Member Tiedemann, to extend the meeting to 11:45 PM.

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

NOES: None

RECUSED: Mayor Miki

Motion carried and so ordered.

MOTION:

Moved by Council Member Tiedemann, seconded by Council Member Jordan, to 1) direct staff to prepare a ballot measure instituting a supplemental business license special tax increment on rented residences to continue funding for several programs currently funded by the American Rescue Plan Act (ARPA), most centrally the City's emergency financial support program for tenants, and to fund rental code enforcement along with legal counsel for tenants and rental providers and 2) form an ad hoc committee, composed of Vice Mayor López and Council Member Tiedemann, to obtain additional input from stakeholders and to work with staff on a potential ballot measure.

AYES: Council Members Jordan and Tiedemann, Vice Mayor López

NOES: Council Member Hansen-Romero

RECUSED: Mayor Miki

Motion carried and so ordered.



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11. NEW BUSINESS

11-1. Authority for Appointing Officers / Directors and Organizing the City

Council Member Jordan Recommendation: That the Council direct staff to prepare a ballot measure amending the City Charter to provide the City Manager authority for appointing officers/directors, other than the City Attorney, and organizing the City

Council Member Jordan presented his memorandum. The City Charter grants the Council the authority to appoint directors and officers and to organize the City. The Council has supported the City Manager’s recommendations for appointment of directors and officers in the recent past and has not exercised its authority to organize the City. Under the Council - City Manager form of government, the City Manager is generally responsible for the hiring and firing of staff and implementing policies set by the Council. The recommendation is to amend the City Charter to transfer the authority for appointing officers and director and organizing the City from the Council to the City Manager.

MOTION:

Moved by Council Member Hansen-Romero, seconded by Council Member Tiedemann, to direct staff to prepare a ballot measure amending the City Charter to provide the City Manager authority for appointing officers/directors, other than the City Attorney, and organizing the City.

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

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member Hansen-Romero, seconded by Vice Mayor López, to adjourn the meeting.

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



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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

13. FUTURE AGENDA ITEMS

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Memorial Day – Monday, May 27, 2024 (City Offices Closed)

Upcoming City Meetings

1. Financial Advisory Committee Meeting, Tuesday, May 21, 7:00 PM, City Hall Council Chambers
2. Planning & Zoning Commission Meeting, Wednesday, May 22, 7:00 PM, City Hall Council Chambers
3. Transportation Commission Meeting, Thursday, May 23, 7:00 PM, City Hall Council Chambers
4. City Council Meeting, Monday, June 3, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT


11:38 PM Mayor Miki adjourned the meeting and encouraged those experiencing mental health crises to call or text 988 for support.

Minutes submitted by Anne Hsu, City Clerk.



John Miki
Mayor

Attest:



Anne Hsu, City Clerk