



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, June 3, 2024

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Council Member Hansen-Romero 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 – LGBTQIA+ Month

Council Member Tiedemann presented the proclamation to Becky Neiman-Cobb of Albany Unified School District (AUSD) Albany's Pride.

4-2. Proclamation and Certificate of Recognition – Albany Middle School Girls Soccer Team

Vice Mayor López presented the proclamation to the coach and student athletes of the Albany Middle School girls soccer team.

5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the pickleball courts at Ocean View Park will open June 5, 2024, and a celebration is planned for June 11, 2024. The annual sewer cleaning project is underway and will not impact sewer services. An American Red Cross blood drive will be held on June 4, 2024, and appointments can be made at redcrossblood.org. Friendship Summer Camps begin June 10, 2024, and registration is open at albanyca.org/onlinereg. An information session for energy upgrades and electric vehicle (EV) charging for multifamily buildings will be held on June 11, 2024, at the Community Center. San Francisco Opera will present *Bohème Out of the Box* on June 27, 2024. More information can be found at sfopera.com/seasons/opera-out-of-the-box. The City's 4th of July in the Park celebration is scheduled for July 4, 2024 at Memorial Park.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: light pollution concerns for rooftop billboard on Cleveland Avenue, request to prioritize tree protections, EV charging, induction cooktops, and EVs in the City fleet, and to enforce Assembly Bills (AB) 1276 and 1884; an inquiry regarding the new parking enforcement vehicle.



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City Manager Almaguer reported staff has contacted the business owner on Cleveland Avenue regarding the non-compliant signage. Staff will provide the Council with additional information regarding the City's fleet of vehicles.

7. CONSENT CALENDAR

7-1. Minutes – May 20, 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

7-3. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of \$433,198.04 (5/17/2024), \$640,726.09 (5/24/2024)

Staff Recommendation: Ratify

7-4. Advisory Body Resignations:

- Emily Chen appointed by Vice Mayor López resigned from the Arts Committee
- Ife Fane appointed by Council as a Whole resigned from the Racial Inclusivity and Social Equity Commission

Staff Recommendation: Information item

7-5. Advisory Body Appointments for City Council Ratification – Housing Advisory Commission:

- Katy Rose de Leon (Renter)
- Peter Maass
- Margie Marks
- Rossana Ramirez (School Affiliated)
- JoAnne Skinner (Housing Provider)

City Council Ad Hoc Subcommittee Recommendation: Ratify

7-6. Calling for a General Municipal Election, Requesting Consolidation with the Statewide General Election, and Adopting Regulations for Candidates for Elective Offices for the November 5, 2024 Election

Staff Recommendation: That the Council adopt:

1. Resolution No. 2024-34, calling and giving notice for the holding of a general municipal election on Tuesday, November 5, 2024, for the election of Members



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of the City Council and Members of the Board of Education using ranked choice voting (RCV) at large; and

2. Resolution No. 2024-35, requesting the Board of Supervisors of the County of Alameda to consolidate a general municipal election to be held with the Statewide General Election on Tuesday, November 5, 2024; and
3. Resolution No. 2024-36, adopting regulations for candidates for elective offices administered by the local elections official pertaining to candidate statements submitted to the voters

7-7. Transmittal of Investment Reports for 4th Quarter 2023 and 1st Quarter 2024

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

7-8. Approval of Contract Change Order #1 to Contract No. C24-12 for GSI Environmental for Implementation of Site Investigation Work Plan for Alum Mud at the Albany Bulb and General Fund Budget Appropriation

Staff Recommendation: That the Council adopt Resolution No. 2024-37:

1. Authorizing City Manager to execute CCO #1 to Contract No. C24-12 in the amount of \$328,300 to implement a site investigation work plan; and
2. Appropriating \$378,700 from the General Fund to support the project

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to Section 15308 “Actions by Regulatory Agencies for Protection of the Environment” of the CEQA Guidelines

7-9. Watershed Management Plan Update (CIP No. 30001) – Award of Professional Services Contract No. C24-32 and Appropriation of NPDES Storm Water Funds and Measure F Street & Storm Drain Tax Funds

Staff Recommendation: That the Council adopt Resolution No. 2024-38:

1. Authorizing the City Manager to award Contract No. C24-32 for professional services to Wood Rodgers in the not-to-exceed amount of \$441,708.00 for an update to the City’s Watershed Management Plan; and
2. Appropriating \$276,000 in NPDES (National Pollutant Discharge Elimination System) Storm Water Fee revenues and \$60,000 in Measure F Street & Storm Drain Improvement Funds to supplement existing project budget for the Watershed Management Plan Update (CIP No. 30001)

7-10. Initiating Proceedings, Approval of Annual Reports, and Intention to Levy and Collect Assessments in Assessment District No. 1988-1 for Fiscal Year 2024/25, and Setting a Public Hearing for June 17, 2024



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Staff Recommendation: That the Council:

1. Adopt Resolution No. 2024-39, Initiating Proceedings for the Levy and Collection of assessments for the Landscaping and Lighting Assessment District 1988-1 for Fiscal Year 2024/25
2. Adopt Resolution No. 2024-40, Approving the Annual Report for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2024/25
3. Adopt Resolution No. 2024-41, A Resolution of Intention to Levy and Collect Assessments for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2024/25. Pursuant to the Landscaping & Lighting Act of 1972, set a public hearing for June 17, 2024 on the proposed assessment

7-11. Contract with Parametrix for the Preparation of an Albany Active Transportation Plan

Staff Recommendation: That the Council adopt Resolution No. 2024-42, authorizing the City Manager to execute Contract No. C24-33 with Parametrix for the preparation of an Active Transportation Plan

7-12. Letter of Support – Combining 72 and 72R Bus Lines for AC Transit Realign

Council Member Jordan Recommendation: That the Council note and file the letter as submitted

Mayor Miki asked if anyone wishes to remove items from the consent calendar. No one removed an item.

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. Fiscal Year 2023/24 Third Quarter Budget Review

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

Interim Finance Director Reina Schwartz presented the staff report. Based on current trends, year-end revenues will be slightly more than budgeted amounts; year-end



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expenses will be slightly less than budgeted amounts; and the projected deficit is estimated to be \$39,000.

Property taxes have met growth expectations, while sales and use taxes are projected to be slightly less than budgeted due to the anticipated closure of Golden Gate Fields. Licenses and permits and current service charges are projected to exceed budgeted amounts. Other revenue is significantly greater than the budgeted amount because the City received the first annual payment from UC Berkeley under the Memorandum of Understanding (MOU). Staff will return to the Council with a recommendation to amend the Fiscal Year (FY) 2024/25 budget to include the revenue. Utility User Tax (UUT) rate increases passed in 2020 have increased revenues by \$652,000 through the third quarter. Staff is now completing transfers from special revenue funds to the general fund quarterly rather than yearly.

Salaries and benefits constitute 71% of actual expenses through the third quarter and are currently less than budgeted amounts. Because significant changes can occur in the fourth quarter, projections for year-end results are estimates.

A summary of public comment is as follows: an inquiry regarding the MOU with UC Berkeley.

City Manager Almaguer advised that the MOU pertains to services for UC Village residents and the community at large. The revenue helps cover some costs of existing services provided to UC Village. \$200,000 of each year's revenue is placed in a special fund for the purchase of equipment for the Albany Fire Department.

A summary of Council comment is as follows: appreciation for staff completing transfers quarterly and clarifying the reporting process.

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Charter Amendment Regarding Delegating Appointment Authority for City Officers and Department Heads from the City Council to the City Manager, Except for the City Attorney and Delegating Authority Organizing the City to the City Manager

Staff Recommendation: That the Council adopt Resolution No. 2024-43, Charter Amendment for the November 5, 2024 General Municipal Election

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5)



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City Attorney Mala Subramanian presented the staff report. The proposed resolution delegates authority for the appointment of City officers, except the City Attorney, and department heads, and for the organization of the City, from the City Council to the City Manager. The City Council will continue to appoint the City Attorney. The proposed resolution also contains the ballot language and amendments to Chapter 3 of the City Charter.

MOTION:

Moved by Council Member Tiedemann, seconded by Council Member Jordan, to adopt Resolution No. 2024-43, to place a Charter Amendment for the November 5, 2024 General Municipal Election.

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

NOES: None

Motion carried and so ordered.

11. NEW BUSINESS

11-1. Ban on Sales of Tobacco Products and/or Electronic Smoking Devices

Mayor Miki Recommendation: That the Council form an ad hoc subcommittee of two Council Members regarding ban on sales of tobacco products and/or electronic smoking devices in the City of Albany

Mayor Miki reported the proposal is based on Albany High School students' work and research and Alameda County's survey regarding tobacco use. The proposal is to form an ad hoc subcommittee to explore options and methods to reduce youth smoking and tobacco sales in Albany. Beverly Hills and Manhattan Beach have banned the sale of tobacco. A city in Massachusetts has banned the sale of tobacco to anyone born after 1999. Over the summer, he plans to work with students and Alameda County Public Health Department to learn about other communities' efforts to reduce tobacco use.

A summary of public comment is as follows: the Alameda County Public Health Department will assist the subcommittee as much as possible; the proposal is the next step toward ending the tobacco epidemic; a ban on tobacco sales would benefit youth; support for the proposal.

A summary of Council comment is as follows: support for forming a subcommittee; suggestions for the subcommittee to explore enforcement and work with business owners and the community at large.

MOTION:

Moved by Mayor Miki, seconded by Council Member Tiedemann, to form an subcommittee, comprised of Council Member Hansen-Romero and Mayor Miki, to explore methods for reducing or eliminating tobacco sales in Albany.

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



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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 Ava Community Energy addressed power procurement during its retreat. The Association of Bay Area Governments (ABAG) Executive Committee discussed priority conservation areas and the Regional Housing Needs Assessment (RHNA) for the next cycle and supported a ballot measure for the housing bond. He participated in a panel at the Urban Land Institute's Housing Debate Conference.

Vice Mayor López reported the Alameda County Mosquito Abatement District has reached an agreement for a representative from a jurisdiction in Hayward to join the Board of Trustees. UC Berkeley's work with the Cities of Albany, Oakland, Berkeley, and Richmond was reported at the UC Berkeley's Chancellor's Breakfast. The East Bay Green Homes Tour included a home in Albany.

Council Member Hansen-Romero reported StopWaste hosted a household hazardous waste drop-off in Albany and offers several other community events. StopWaste's 2024 Upstream Grant Program awarded \$1.087 million to 59 applicants, and the 2024 Environmental Leadership Awards have been announced.

Council Member Jordan reported as an Alameda County Transportation Commission (ACTC) Commissioner, he met with the Metropolitan Transportation Commission (MTC) to discuss MTC's pavement management software and will propose ACTC form a subcommittee regarding the software.



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Mayor Miki reported the Alameda County Mayors' Conference adopted amendments regarding committee participation. The League of California Cities heard a presentation from Attorney General Rob Bonta. The Police & Fire Pension Fund Board approved disbursements at its quarterly meeting. UC Berkeley held three planning studios for the Golden Gate Fields site. He met with Albany High School's Tobacco Use Prevention Education (TUPE) group.

13. FUTURE AGENDA ITEMS

Council Member Jordan requested agenda items regarding the natural gas preference Reach Code and irrigation of street trees.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Meetings

1. Racial Inclusivity & Social Equity Commission Meeting, Tuesday, June 4, 7:00 PM, City Hall Council Chambers
2. Financial Advisory Committee Meeting, Wednesday, June 5, 7:00 PM, City Hall Council Chambers
3. Arts Committee Meeting, Monday, June 10, 7:00 PM, City Hall Council Chambers
4. Planning & Zoning Commission Meeting, Wednesday, June 12, 7:00 PM, City Hall Council Chambers
5. Parks, Recreation & Open Space Commission Meeting, Thursday, June 13, 7:00 PM, City Hall Council Chambers
6. City Council Meeting, Monday, June 17, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

8:35 PM There being no further business before the City Council, 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