



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, June 17, 2024

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

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

Council Member Jordan 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, Mayor Miki

Absent: Vice Mayor López

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

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

##### **4-1. Community Emergency Response Team (CERT) Graduation**

Mayor Miki and Fire Chief James Boito presented certificates to the graduates.

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

City Manager Nicole Almaguer reported the Albany Fire Department (AFD) deployed a crew to the Point Fire in Sonoma County. The new pickleball courts at Ocean View Park have opened for reservations. The Call for Artists for the Albany Murals Project will close on June 20, 2024, at 4:00 PM. San Francisco Opera will present *Bohème Out of the Box* on June 27, 2024. The City's 4<sup>th</sup> of July in the Park celebration will be held at Memorial Park on July 4, 2024. A few spots remain for Friendship Club Summer Camps, which started today. National Night Out is scheduled for August 6, 2024. City Offices will be closed on June 19, 2024, for the Juneteenth Holiday, and a Juneteenth Celebration will be held on June 23, 2024. A gamma survey of the Albany Bulb is underway, and information will be available at [albanyca.gov/recreation/waterfront/albany-bulb](http://albanyca.gov/recreation/waterfront/albany-bulb).

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

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: a request to expand the noticing area for commercial development projects; inquiries regarding signage on Cleveland Avenue; a suggestion to restore the original traffic patterns for the Kains Avenue/Adams Street Bicycle Boulevard Pilot Project; support for programs and measures that reduce climate change; concern about enforcement of the City's business license for rental units; concerns for the purchase of a gas-powered vehicle for parking enforcement.

City Manager Almaguer advised that City staff is addressing the signage issue on Cleveland Avenue. The City has applied for a grant for the Kains/Adams pilot project to fund work authorized by the Council. The work includes design, which will be presented to the Transportation Commission and Council.



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### 7. CONSENT CALENDAR

#### 7-1. Minutes – June 3, 2024

Staff Recommendation: Approve

#### 7-2. Ratification of Payroll

- Date Paid 5/17/2024: Net Amount \$419,299.43, Taxes/Benefits/Deductions \$451,221.10, Total Payroll \$870,520.53
- Date Paid 5/31/2024: Net Amount \$424,620.67, Taxes, Benefits/Deductions \$343,972.25, Total Payroll \$768,592.92

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 \$373,631,01 (5/31/2024), \$196,501.22 (6/7/2024)

Staff Recommendation: Ratify

#### 7-4. Advisory Body Resignation:

- Akinyi Ajwang' appointed by Mayor Miki resigned from the Racial Inclusivity & Social Equity Commission

Staff Recommendation: Information item

#### 7-5. 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. 2024-44, approving the MOU between the City of Albany and AFFA

#### 7-6. City of Albany's Appropriations Limit for Fiscal Year (FY) 2024/25

Staff Recommendation: That the Council adopt Resolution No. 2024-45, establishing the City of Albany's Appropriations Limit for FY 2024/25

#### 7-7. Proposed Authorized Adjustments to Local Taxes and Fees Collected on the Property Tax Bill for FY2024/25: Library Services Act of 1994; Supplemental Library Services Act of 2006, Emergency Medical Services, Advanced Life Support, and Fire Protection Tax; 2006 Street Paving and Storm Drain Improvement Tax; Sidewalk Parcel Tax; 2018 Parks and Open Space Parcel Tax; Annual Clean Storm Water National Pollutant Discharge Elimination System (NPDES) Service Charge; and Sewer Service Charges



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Staff Recommendation: That the Council adopt Resolution No. 2024-46 confirming Fiscal Year 2024/25 rates applied to the City of Albany Special Tax and Fees collected on the annual property tax bill

### 7-8. Fiscal Year 2024/25 Tax Rate for the Pension Override Tax

Staff Recommendation: That the Council adopt Resolution No. 2024-47, adopting the FY 2024/25 (July 1, 2024-June 30, 2025) tax rate for the pension override tax to fund City of Albany Public Safety Pension obligations

### 7-9. Resolution Adopting an Updated Investment Policy

Staff Recommendation: That the City Council adopt Resolution No. 2024-48, adopting an updated Investment Policy

### 7-10. Letter of Support to the California State Legislature regarding Senate Bill (SB) 721 allowing the development of student housing to be counted towards the City's Housing Element Regional Housing Needs Allocation (RHNA)

Staff Recommendation: That the Council authorize the Mayor to submit a letter to the California State Legislature in support of Senate Bill (SB) 721, which would allow the development of student housing to be counted towards the City's Regional Housing Needs Allocation (RHNA)

### 7-11. Annual Street Rehabilitation Program (CIP No. 21000) Marin Avenue Pavement and Curb Ramp Rehabilitation Project – Phase 2 Award of Professional Engineering Services Contract No. C24-35

Staff Recommendation: That the Council adopt Resolution No. 2024-49:

1. Authorizing the City Manager to award Contract No. C24-35 for professional engineering services to Bellecci and Associates in the not-to-exceed amount of \$233,345.00 to add traffic signal improvements, intersection safety lighting, and finalize bid package for the Marin Avenue Pavement and Curb Ramp Rehabilitation Project – Phase 2; and
2. Appropriating the planned FY2024 program budget for the Annual Street Rehabilitation Program (CIP No. 21000) in the amounts of \$760,000 in Measure BB Local Streets & Roads Direct Local Distributions Funds (1201), \$800,000 from local Measure F Street & Storm Drain Parcel Tax Funds (2006), and \$40,000 from Vehicle Registration Fee Direct Local Distributions Funds (1104) and adjusting the budget for the program accordingly

### 7-12. Pierce-Cleveland Bikeway Connection Project (CIP No. 25016) – Establish Project and Authorize Grant Application for Submission to the Safe Routes to Transit & Bay Trail Program



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Staff Recommendation: That the Council adopt Resolution No. 2024-50:

1. Authorizing establishment of the Pierce-Cleveland Bikeway Connection Project (CIP No. 25016); and
2. Appropriating \$50,000 from Measure BB Bicycle & Pedestrian funding to the project for conceptual design; and
3. Authorizing the City Manager to submit a grant application to the Metropolitan Transportation Commission's (MTC) Safe Routes to Transit & Bay Trail Program for the Pierce-Cleveland Bikeway Connection Project, enter into a funding agreement with MTC upon award of grant, and authority grant funds awarded for expenditure on the project

Mayor Miki asked if anyone wishes to remove items from the consent calendar. Members of the public removed Items 7-6, 7-7, 7-8, and 7-12.

A summary of public comment is as follows: questions regarding the effect of re-assessment of commercial properties on the appropriations limit; concern regarding financial issues being placed on the consent calendar; concern about the lack of fencing between the railroad tracks and Cleveland Avenue.

Interim Finance Director Reina Schwartz reported a change in the assessed values of properties does not directly affect the appropriations limit.

A summary of Council comment is as follows: Items 7-6, 7-7 and 7-8 are standard financial update items presented to the Council each year; support for staff considering fencing in any phase of the Pierce-Cleveland Bikeway Connection Project.

### **MOTION:**

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

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

NOES: None

ABSENT: Vice Mayor López

Motion carried and so ordered.

## **8. PRESENTATION**

### **8-1. Fiscal Year 2024-25 Contract for Additional Library Services**

Staff Recommendation: That the Council:

1. Receive a presentation from the Alameda County Library regarding library services within the City of Albany; and
2. Adopt Resolution No. 2024-51, authorizing the City Manager to enter into an agreement with the County of Alameda for additional library services for Fiscal Year 2024-25 in the amount of \$725,440



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Assistant City Manager Isabelle Leduc presented the staff report. The County of Alameda's (County) funding levels for library services limit the number of open hours to 15.5 per week. The City contracts with the County for the additional services for Albany branch to open 41 hours per week. An agreement between the City and the County in Fiscal Year (FY) 2024/25 sets the cost of the additional services at \$725,440, which has been the cost for the previous eight years. Voters have approved two special taxes to pay for the additional services. The current Library Fund balance and the revenue from the taxes will be sufficient to pay the agreement amount.

Darshan Chattah, Alameda County Library Financial Services Officer, explained the County's process for determining the amount of library services it can provide each city. The County regularly contracts with cities for additional services. Alameda County Library is in good financial health.

Blaine Wentworth, Albany Branch Library Manager, shared usage statistics and program highlights. The Library has seen significant growth and renewed connections in FY 2023/24.

A summary of public comment is as follows: an inquiry regarding the cost of the 15.5 hours.

Mr. Chattah indicated approximately \$821,000 funds 15.5 open hours.

A summary of Council comment is as follows: suggestions to fund extended summer hours and additional technology.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Hansen-Romero, to adopt Resolution No. 2024-51, authorizing the City Manager to enter into an agreement with the County of Alameda for additional library services for Fiscal Year 2024-25 in the amount of \$725,440.

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

NOES: None

ABSENT: Vice Mayor López

Motion carried and so ordered.

### **8-2. Amendments to the Second Year of the City of Albany Biennial Operating Budget Covering Fiscal Year 2024/25**

Staff Recommendation: That the Council adopt Resolution No. 2024-52, amending the second year of the City of Albany Biennial Operating Budget covering Fiscal Year 2024/25

Interim Finance Director Schwartz presented the staff report. In June 2023, the Council adopted budgets for FY 2023/24 and 2024/25. The FY 2024/25 budget projects a \$2.191 million deficit. The proposed budget adjustments reduce the projected deficit to



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approximately \$2.11 million. Revenue increases are the result of the new agreement with Waste Management, the Memorandum of Understanding (MOU) with UC Berkeley, and gas tax transfers. Revenues from the Sugar-Sweetened Beverage (SSB) Tax, Sales and Use Tax, and Racetrack Tax have fallen short of estimated amounts. Albany Police Department (APD) data storage, AFD labor costs, Public Works projects, and a debt service correction have increased expenses, while the California Public Employees' Retirement System (CalPERS) unfunded actuarial liability (UAL) contribution and insurance costs have decreased. The net changes are \$331,000 for revenues and \$250,000 for expenses. The proposed adjustments are relatively minor, and staff will prepare a plan to achieve a balanced operating budget in FY 2024/25 and future years.

A summary of public comment is as follows: concern about the impact of each approved expenditure on the projected deficit; support for reducing the projected deficit where possible.

A summary of Council comment is as follows: anticipation of staff presenting additional options for funding sources; salaries and pension liability are difficult to estimate accurately; a proposal to fund the Gill Tract Community Farm Program for the total requested.

### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to adopt Resolution No. 2024-52, amending the second year of the City of Albany Biennial Operating Budget covering Fiscal Year 2024/25, with an amendment to change the cost of the Gill Tract Community Farm field trip program from \$2,305 to \$35,844 in the Sugar-Sweetened Beverage Tax Expenditure Plan.

AYES: Council Members Jordan and Tiedemann, Mayor Miki

NOES: None

ABSTAIN: Council Member Hansen-Romero

ABSENT: Vice Mayor López

Motion carried and so ordered.

## **9. PUBLIC HEARING**

### **9-1. Proposed Amendments to the City of Albany Master Fee Schedule**

Staff Recommendation: That the City Council adopt Resolution No. 2024-53, amending the City of Albany Master Fee Schedule for Fiscal Year 2024/25

Finance Manager Cassondra Murphy presented the staff report. The Master Fee Schedule is updated annually. Some fees are increased based on the Consumer Price Index (CPI); the current CPI is 3.66%. Departments work with Finance to update charges based on operational needs. A draft Master Fee Schedule was published pursuant to Government Code requirements.



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A summary of public comment is as follows: a suggestion for a comprehensive review of the Master Fee Schedule.

A summary of Council comment is as follows: interest in a comprehensive review of fees.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Jordan, to adopt Resolution No. 2024-53, amending the City of Albany Master Fee Schedule for Fiscal Year 2024/25.

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

NOES: None

ABSENT: Vice Mayor López

Motion carried and so ordered.

### **9-2. Public Hearing on the Levy of Assessments within Assessment District No. 1988-1 for Fiscal Year 2024/25 pursuant to the Landscaping and Lighting Act of 1972**

Staff Recommendation: That the Council adopt Resolution No. 2024-54, confirming the Diagram and Assessment, levying Assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2024/25 (Pursuant to the Landscaping and Lighting Act of 1972) and order of the Levy to be placed on the Fiscal Year 2024/25 secured property tax roll

Program Manager Devora Zauderer presented the staff report. On June 3, 2024, the Council adopted the three resolutions required to levy and collect assessments in the Landscaping and Lighting Assessment District. Landscaping and Lighting Assessment District Number 1988-1 provides funding for the installation, maintenance, and servicing of park and recreational facilities throughout the City. The proposed assessment of \$75.54 for single-family residential parcels has not increased since FY 1993/94.

### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to adopt Resolution No. 2024-54, confirming the Diagram and Assessment, levying Assessments in Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year 2024/25 (Pursuant to the Landscaping and Lighting Act of 1972) and order of the Levy to be placed on the Fiscal Year 2024/25 secured property tax roll.

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

NOES: None

ABSENT: Vice Mayor López

Motion carried and so ordered.

### **9-3. Revenue Measures for Funding Core City Services – Sidewalk Parcel Tax Update – Public Hearing**

Staff Recommendation: That the Council:

1. Adopt Resolution No. 2024-55, approving the updated sidewalk policy; and



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2. Adopt Resolution No. 2024-56, ordering the Sidewalk Tax Measure to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024 and directing staff and the City Attorney to proceed accordingly

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000, et seq., “CEQA Guidelines”). The special tax authorized by the proposed Ordinance is a special tax that can only be used to fund the projects, facilities, and services described in the Ordinance but does not approve any of the described projects or services. As such, under CEQA Guidelines section 15378(b)(4), the special tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project or service that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project or service. Therefore, pursuant to CEQA Guidelines section 15060, review of the proposed Ordinance under CEQA is not required

Program Manager Zauderer presented the staff report. Voters approved Measure P1, the Sidewalk Parcel Tax, in 2016, and it is scheduled to sunset in 2026. The tax funds the City’s Sidewalk Repair Program. To date, the City has collected approximately \$1.4 million and expended approximately \$1.17 million for eight phases of repairs and updates. Based on Council direction provided at the October 2, 2023, March 4, 2024, and April 15, 2024 meetings, staff has updated the Sidewalk Policy and the proposed ballot measure for the 2024 general election.

A summary of public comment is as follows: support for the proposed measure and prohibiting the use of electric and traditional bikes and scooters on pedestrian-only sidewalks.

A summary of Council comment is as follows: signage may be a way to discourage bikes and scooters from using sidewalks.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Hansen-Romero, to 1) adopt Resolution No. 2024-55, approving the updated sidewalk policy; and 2) adopt Resolution No. 2024-56, ordering the Sidewalk Tax Measure to be submitted to the voters of the City at the General Municipal Election to be held on Tuesday, November 5, 2024 and directing staff and the City Attorney to proceed accordingly.

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

NOES: None

ABSENT: Vice Mayor López

Motion carried and so ordered.



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## 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	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 the Association of Bay Area Governments (ABAG) Legislative Committee discussed pending State legislation and the proposed State budget. The Ava Community Energy Joint Powers Authority (JPA) Executive Board and Board of Directors learned that rates will decrease in the coming year and hired a Chief Executive Officer (CEO).

Council Member Jordan reported the Alameda County Transportation Commission (ACTC) Programs, Policy and Legislative Committee received reports regarding the Safe Routes to School and the Student Transit Pass programs.

Mayor Miki reported attending the opening of the new pickleball courts. The Alameda County Mayors’ Conference received a presentation regarding the real property conveyance tax.

## 13. FUTURE AGENDA ITEMS

Mayor Miki requested an agenda item regarding the real property conveyance tax.

Council Member Jordan withdrew his previous request for an item regarding the Reach Code.



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### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

1. Juneteenth – Wednesday, June 19, 2024 (City Offices Closed)

#### Upcoming City Meetings

1. Policing Commission Meeting, Thursday, June 20, 7:00 PM, City Hall Council Chambers
2. Arts Committee Meeting, Tuesday, June 25, 7:00 PM, City Hall Council Chambers
3. Planning & Zoning Commission Meeting, Wednesday, June 26, 7:00 PM, City Hall Council Chambers
4. Transportation Commission Meeting, Thursday, June 27, 7:00 PM, City Hall Council Chambers
5. City Council Meeting, Monday, July 1, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

10:11 PM There being no further business before the City Council, Mayor Miki adjourned the meeting with contact information for trained crisis specialists.

Minutes submitted by Anne Hsu, City Clerk.

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John Miki  
Mayor

Attest:

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Anne Hsu, City Clerk