



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, April 17, 2023

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### **SPECIAL MEETING – OPEN SESSION: 6:00 PM**

#### **1. CALL TO ORDER/ROLL CALL**

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

Absent: None

#### **2. STUDY SESSION**

##### **2-1. Annual Sugar-Sweetened Beverage Tax Study Session**

Staff Recommendation: That the Council:

1. Receive a status update on FY2023 funded programs
2. Conduct a study session to receive input and recommendations for the expenditure of FY2024 process from the Sugar-Sweetened Beverage Tax
3. Prove a preliminary prioritization of items to be funded with the tax proceeds in FY2024

Assistant City Manager Isabelle Leduc presented the staff report and reviewed the programs that were allocated funding in the fiscal year 2023 (FY2023) Expenditure Plan for Sugar-Sweetened Beverage (SSB) Tax revenues and the programs' use of funding. Of the \$346,308 allocated for FY2023, slightly more than \$153,000 has been spent to date, and \$143,000 is under contract to be spent.

Projected SSB revenue for fiscal year (FY) 2024 is \$260,000. The Parks, Recreation & Open Space (PROS) Commission, Transportation Commission, and Albany Unified School District (AUSD) have submitted funding recommendations for FY2024. Suggested expenditures are \$212,889.60 for the Crossing Guard Program, \$13,100 or \$24,000 for the Healthy Me Music & Movement Program, \$15,000 for the Bike Safety Program, \$5,000 for Move 'n' Groove, \$20,000 for All-bany Swims, \$5,000 for a G7 Access Hub for BikeLink Lockers, outdoor recreational equipment on the Ohlone Greenway, additional water bottle filling stations, a water source at Waterfront Park for a bottle filler and shower, and a sand volleyball court. The Racial Inclusivity & Social Equity (RISE) Commission, previously known as Social & Economic Justice Commission (SEJC) has not met this year as the Commission is not fully appointed. Once the RISE Commission begins meeting, it is envisioned that the Commission can provide recommendations as part of a future study session.

Any SSB revenues collected in excess of the funds allocated in the Expenditure Plan roll into the General Fund at the end of each fiscal year. Staff does not account for SSB revenues outside the General Fund as they are not special revenue sources. The Financial Advisory Committee recommended the Council not allocate more expenditures than revenues collected will exacerbate any potential budget deficit and reduce the General Fund balance available for core services.



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A summary of public comment is as follows: suggestions to allocate funds for a universal income program and to consider programs for households of all incomes; support for the Crossing Guard, Healthy Me, and All-bany Swims Programs; support for recreational equipment on the Ohlone Greenway and the sand volleyball court.

City Manager Nicole Almaguer advised that reducing funding for the Crossing Guard Program would reduce the number of crossing guards or result in the need to search for funding sources other than SSB revenue.

A summary of Council comment is as follows: concern with the Crossing Guard Program costs; hope that Move 'n' Groove will find additional funding sources so that the City can contribute in-kind services rather than cash; a request for the cost of the City administering the Crossing Guard Program; a preference to remove programs that cannot be completed in the year for which they are allocated funds.

### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Hansen-Romero, to fund the Crossing Guard Program as recommended, Healthy Me Music & Movement Program at \$24,000, the Bike Safety Program at \$15,000, Move 'n' Groove at \$5,000, All-bany Swims at \$20,000, and a G7 Access Hub for BikeLink Lockers at \$5,000.

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

NOES: None

Motion carried and so ordered.

### **3. ADJOURNMENT OF SPECIAL MEETING – OPEN SESSION**

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

##### **1. CALL TO ORDER**

Vice 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 López, Vice Mayor Miki, Mayor Tiedemann

Absent: None

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

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

**4-1.** Proclamation – National Crime Victims' Rights Week



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Council Member López presented the proclamation to Kelli Safe, Senior Crisis Response Advocate from the Victim-Witness Division of the Alameda County District Attorney's Office.

A summary of public comment is as follows: a question regarding the rights of victims of fentanyl poisoning.

A summary of Council comment is as follows: appreciation for the program's support of victims living in Albany.

### **4-2. Proclamation – Celebrate Diversity Month**

Council Member Hansen-Romero read the proclamation.

### **4-3. Proclamation – National Arab American Heritage Month**

Council Member Jordan read the proclamation.

A summary of public comment is as follows: concern that no one accepted the proclamation for National Arab American Heritage Month.

## **5. CITY MANAGER REPORT**

City Manager Almaguer reported the Community Expo, a way to learn about community organizations and City services, is scheduled for April 29, 2023 at the Community Center. During the Community Expo, Centro Legal will be presenting information to understand the end of the eviction moratorium. The Friends of Five Creeks partnered with the City to provide Habitat Day on Cerrito Creek and Albany Hill on April 15, 2023. Move 'n' Groove will take place on April 23, 2023. A Solano Stroll-ish event was held on April 16, 2023. Canology is cleaning the Big Belly trash cans. Multiple construction projects are affecting City streets, but staff is coordinating the work in an effort to reduce the impacts including adding workers to direct traffic for the traffic signal at Solano and Masonic Avenues. A section of Marin Avenue will be closed for work under the Marin Avenue Pavement Rehabilitation Project-Phase I in early May 2023, and staff will conduct outreach to nearby residents and the community before the closure of the street.

A summary of public comment is as follows: a request for an update regarding the Senior Center's food program.

A summary of Council comment is as follows: appreciation for recent street striping.

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

Mayor Tiedemann opened the Good of the City.

A summary of public comment is as follows: encouragement for the public to take AC Transit's survey at [actransit.org/realign](https://actransit.org/realign); a request for an update regarding Dinner With Albany; a free food pantry is available on Thursdays.



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### **7. CONSENT CALENDAR**

#### **7-1. Minutes – March 20, 2023 & March 27, 2023**

Staff Recommendation: Approve

#### **7-2. Ratification of Payrolls –**

1. Date Paid 3/24/2023: Net Amount \$381,375.31, Taxes/Benefits/Deductions \$424,783.55, Total Payroll \$806,158.86
2. Date Paid 4/7/2023: Net Amount \$374,309.23, Taxes/Benefits/Deductions \$389,375.13, Total Payroll \$763,684.36

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 \$195,261.64 (3/17/2023), \$154,552.37 (3/24/2023), \$594,668.90 (3/31/2023), \$125,066.01 (4/7/2023)**

Staff Recommendation: Ratify

#### **7-4. Advisory Body Appointment for City Council Ratification:**

- Justin Lock recommended for appointment to the Policing Commission by Council Member Jordan

Staff Recommendation: Ratify

#### **7-5. Support Letter – Multi-Year Funding Package for Public Transit Agencies**

Council Member Jordan Recommendation: That the Council approve the letter requesting California Budget and Fiscal Review Committee to prioritize a multi-year funding package for public transit agencies across California

#### **7-6. Annual Sidewalk Rehabilitation Program (CIP No. 22000) – Award of Phase 7 Construction Contract No. C23-09**

Staff Recommendation: That the Council adopt Resolution No. 2023-18:

1. Authorizing the City Manager to award Contract No. C23-09 to Villalobos & Associates for construction of the Project in the not-to-exceed amount of \$165,530; and
2. Appropriating \$223,000 from the Sidewalk Parcel Tax Fund (1305) and adjusting the budget for the Annual Sidewalk Rehabilitation Program (CIP No. 22000) for fiscal years 2020-21 through 2022-23

#### **7-7. Lower Codornices Creek Restoration Project (CIP No. 43001) – Authorization Call for Bids for Phase IV Construction (C23-26)**



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Staff Recommendation: That the Council adopt Resolution No. 2023-19, authorizing the City Manager to approve a Call for Bids for the Lower Codornices Creek Restoration Phase IV Project, Contract No. C23-26

**7-8. National Opioid Litigation and Authorization to Participate in Additional Settlement Agreements Arising from the Litigation**

Staff Recommendation: That the Council authorize the City Attorney to take all necessary steps and execute appropriate documents to participate in the Additional Settlement Agreements with the Additional Distributors and any future Settlement Agreements with new Distributors, agree to the State Subdivision Agreements, and allow direct payment to be made to the City

**7-9. Assembly Bill (AB) 481/California Government Code Section 7072 Compliance**

Staff Recommendation: That Council:

1. Accept this annual military equipment report; and
2. Renew Ordinance No. 2022-02

**7-10. Grant Application to the California Energy Commission for the California Automated Permit Processing Program**

Staff Recommendation: That the Council adopt Resolution No. 2023-20, authorizing the City Manager or their designee to submit a grant application to the California Energy Commission for the California Automated Permit Processing Program and if awarded to execute a grant agreement

Mayor Tiedemann asked if anyone wishes to remove items from the consent calendar. Members of the public removed Items 7-5, 7-7, and 7-8.

A summary of public comment is as follows: a request for more information regarding the multi-year funding package for public transit agencies and the opioid litigation; completing the creek-side trail will fulfill a 25-year old vision.

Item 7-5, Council Member Jordan reported the letter supports state funding so that public transit agencies can continue operating at their current levels of service.

Item 7-8, City Attorney Mala Subramanian related that the litigation pertains to states' and cities' claims against pharmaceutical distributors related to the opioid epidemic. The City could receive up to \$145,000 for opioid-related issues over the next 15 years. If the City chooses not to participate in the settlement, funds for the City would be paid to the State of California.

A summary of Council comment is as follows: thanks to staff and Friends of Five Creeks for the creek project.



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### **MOTION:**

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

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

NOES: None

Motion carried and so ordered.

### **8. PRESENTATION**

### **9. PUBLIC HEARING**

### **10. UNFINISHED BUSINESS**

#### **10-1. Student and Student-Affiliated Appointments City Advisory Bodies**

Staff Recommendation: That the Council:

1. Adopt Resolution No. 2023-21, updating policy regarding student and student-affiliated appointments to Advisory Bodies to the City Council; and,
2. Introduce for first reading Ordinance No. 2023-02, amending sections of the Albany Municipal Code Related to the Parks, Recreation & Open Space Commission and the Transportation Commission regarding student and student-affiliated appointments

City Clerk Anne Hsu presented the staff report. This item is in response to Council's direction from its March 20, 2023, meeting regarding appointments to the Arts Committee, Climate Action Committee, PROS Commission, Policing Commission, RISE Commission, and Transportation Commission. Each of these Advisory Bodies would be comprised of seven members, one appointed by each Council Member and two appointed by the Council as a whole. The two appointments by the Council as a whole would be either two students attending high schools located within the City of Albany or one student attending a high school located within the City of Albany and one adult affiliated with students at the school level within the City of Albany.

The proposed Ordinance amends sections of the Albany Municipal Code related to the PROS Commission and Transportation Commission. The proposed Resolution amends the policy for appointments to the Arts Committee, Climate Action Committee, Policing Commission, and RISE Commission.

A summary of public comment is as follows: an inquiry as to the Board of Education's role in appointing members to the Advisory Bodies; AUSD supports the staff recommendation.

Mayor Tiedemann clarified that the Board of Education may recommend students or adults affiliated with students, but the Council will appoint them.





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A summary of Council comment is as follows: appreciation for the efforts to engage youth and to strengthen the relationship with schools in Albany; a suggestion to conduct entrance and exit surveys with youth who serve on Advisory Bodies; communications to the community need to emphasize the inclusion of students in home schools and independent study.

### **MOTION:**

Moved by Vice Mayor Miki, seconded by Council Member Hansen-Romero, to adopt Resolution No. 2023-21, updating policy regarding student and student-affiliated appointments to Advisory Bodies to the City Council.

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

NOES: None

Motion carried and so ordered.

### **MOTION:**

Moved by Vice Mayor Miki, seconded by Council Member Hansen-Romero, to introduce and waive first reading of Ordinance No. 2023-02, amending sections of the Albany Municipal Code related to the Parks, Recreation & Open Space Commission and the Transportation Commission regarding student and student-affiliated appointments.

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

NOES: None

Motion carried and so ordered.

## **10-2. City Council Strategic Plan 2023-2025**

Staff Recommendation: That the Council adopt the 2023-2025 City Council Strategic Plan

City Manager Almaguer presented the staff report. Staff prepared a draft 2023-2025 City Council Strategic Plan based on Council's comments during the work session. The Strategic Plan speaks to the high-level goals and objectives of the Council and provides policy direction to staff to achieve goals and objectives to the maximum extent practicable and to integrate them into day-to-day core services. The included graphics aim to add visuals for the goals and will be used for branding purposes. The sections entitled "Guiding City Plans" indicate policy-level documents that assist with the implementation of the goal or potentially the objectives.

Assistant City Manager Leduc reported an image is associated with each goal. The images will be included in relevant staff reports to link them to the Strategic Plan.

A summary of Council comment is as follows: appreciation for the improved website; suggestions to revise Goal 3, Objective 2 to state "conduct citywide street traffic surveys to obtain objective data to prioritize traffic calming," add "update development impact



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fees” to Goal 5, add “adopt mandatory seismic retrofit ordinance” to Goal 6, and add “assess switch to license plate readers for parking limit enforcement” to Goal 5.

City Manager Almaguer recommended the proposed objective for Goal 5 state “assess potential opportunities to utilize newer technology for parking enforcement.”

### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Hansen-Romero, to adopt the 2023-2025 City Council Strategic Plan with amendments to revise Goal 3, Objective 2 to state “conduct citywide street traffic surveys to obtain objective data to prioritize traffic calming,” to add “update development impact fees” as an objective under Goal 5, to add “adopt mandatory seismic retrofit ordinance” as an objective under Goal 6, and to add “assess potential opportunities to utilize newer technology for parking enforcement” as an objective under Goal 5.

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

NOES: None

Motion carried and so ordered.

## **11. NEW BUSINESS**

## **12. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS**

<b>City Council Appointed Representation Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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

Vice Mayor Miki reported he attended the East Bay Sports Field Recreation Authority JPA meeting where he learned that water and sewer lines will be extended to the sports fields,





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that funds are available to build a soccer field, restrooms, and pickleball courts, and that the JPA is seeking funding to improve the parking lot and build an additional restroom. Also, Council Member Jordan and he met with Alameda County Transportation Commission (ACTC) staff regarding San Pablo Avenue.

Council Member López reported the Gill Tract farm is planning a birthday celebration on April 23, 2023, and another event on April 30, 2023.

Mayor Tiedemann reported he attended an East Bay Community Energy (EBCE) Executive Board meeting where they discussed branding efforts, a new charging program, and the emissions factor.

Council Member Jordan reported he attended the ACTC Planning, Programs and Legislative Committee meeting in which the committee supported bills to allow remote attendance of multi-jurisdictional meetings. At the meeting, he brought up the required construction of the Local Road Safety Plan, and the committee chairperson asked staff to research the issue and report to the committee. He also reported he attended the Alameda County Library Advisory Commission meeting where they discussed intellectual freedom. He reported Community Development Analyst Michelle Plouse and he will pursue development of a program to electrify existing buildings with a consultant to the California Energy Commission (CEC). With respect to the meeting with ACTC staff, Vice Mayor Miki and he encouraged ACTC to install a pedestrian hybrid beacon rather than a rectangular rapid flashing beacon on Marin Avenue at Kains Avenue. In addition, he reported a meeting with Assemblymember Wicks' staff regarding a carve out for contraflow parking on Kains Avenue and Adams Street.

Council Member Hansen-Romero reported she attended a StopWaste meeting where she learned about the Earth Month toolkit on the StopWaste website, electrification clinics, and carbon farming workshops. In addition, nominations for the 2023 StopWaste Environmental Leadership Awards are open.

A summary of public comment is as follows: there needs to be monthly reports for the Housing Authority of Alameda County.

Mayor Tiedemann advised that Ms. McQuaid has provided reports of Housing Authority meetings and will have a presentation for the Council on May 1, 2023.

City Clerk Hsu added that Ms. McQuaid's report for the latest Housing Authority meeting will be posted with the next Council meeting agenda.

### **13. FUTURE AGENDA ITEMS**

Council Member Jordan requested an agenda item regarding legislation for contraflow parking on Kains Avenue and Adams Street.



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Vice Mayor Miki requested an item regarding the appointment process before the November 2024 election.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Mayor Tiedemann invited everyone to the kickoff event for Affordable Housing Month on May 4, 2023.

#### Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, April 19, 7:00 PM, City Hall Council Chambers
2. Police and Fire Pension Board Meeting, Tuesday, April 25, 3:00 PM, City Hall Council Chambers
3. Planning & Zoning Commission Meeting, Wednesday, April 26, 7:00 PM, City Hall Council Chambers
4. Transportation Commission Meeting, Monday, April 27, 7:00 PM, City Hall Council Chambers
5. City Council Meeting, Monday, May 1, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

8:43 p.m. There being no further business before the City Council, Mayor Tiedemann adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

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Aaron Tiedemann  
Mayor

Attest:

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Anne Hsu, City Clerk