



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting  
Albany, CA 94706  
Monday, October 18, 2021

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

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

#### **2. ROLL CALL**

Present: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan,  
Mayor Gary  
Absent: None

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

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

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

City Manager Nicole Almaguer expressed appreciation to the community for attending the flag-raising ceremony for the Confederated Villages of Lisjan. City staff met with representatives from the University of California (UC) Berkeley and the City of Berkeley regarding encampments along Codornices Creek. Staff will coordinate with UC Berkeley as the lead agency for this location. Public Works reminds residents to collect fall leaves in green bins. The Public Works Department has hired two engineers. The Police Department spoke to residents of Belmont Village regarding awareness of scams. Recruitment is underway for a vacant seat on the Economic Development Committee. Friends of Albany Seniors hosted the annual White Elephant Sale and raised a significant amount of funds to support the Senior Center and seniors.

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

Mayor Gary opened the Good of the City.

A summary of public comment is as follows: Albany residents can obtain food from the Alameda County Food Bank; reduced speeds in school zones are on the Transportation Commission's work plan.

#### **7. CONSENT CALENDAR**

##### **7-1. Minutes – October 4, 2021**

Staff recommendation: Approve

##### **7-2. Ratification of Payroll – Date Paid 10/8/2021 Net Amount \$323,340.20, Taxes/Benefits/Deductions \$329,576.78, Total Payroll \$652,916.98**

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 \$75,608.88 (10/1/2021), \$435,705.70 (10/8/2021)

Staff recommendation: Ratify

- 7-4.** Proclamation – World Polio Day

Council Member McQuaid recommendation: that the Council approve the proclamation in recognition of World Polio Day – October 24, 2021

- 7-5.** Updated Salary Schedule for City of Albany Employees

Staff recommendation: that the Council adopt Resolution No. 2021-101, approving an updated Salary Schedule for City employees

- 7-6.** Amending the City Master Fee Schedule to remove the fee for new street trees and associated concrete removal for planting

Staff recommendation: that the Council adopt Resolution No. 2021-102, amending the City Master Fee Schedule to remove the fee for new street trees and associated concrete removal for planting to make trees free for requestors and funded by Measure DD revenue

- 7-7.** Resolution of the Albany City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency under California Assembly Bill (AB 361)

Staff recommendation: that the Council adopt Resolution No. 2021-103, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

- 7-8.** Automatic Emergency Substitute Designation for City Council Members

Vice Mayor Jordan recommendation: that the Council ask staff to prepare a resolution that will automatically designate each Council Member's emergency alternates as their Planning and Zoning Commission appointee, Transportation Commission appointee, and Parks, Recreation, and Open Space appointee, in that order. If the Council so asks, and subsequently adopts the resolution, amend the Council Procedures & Policies accordingly

- 7-9.** CIP No. 32000 – 2020 Sanitary Sewer Rehabilitation Project-Phase C Closeout (C21-22) and Filing of Notice of Completion

Staff recommendation: that the Council adopt Resolution No. 2021-104, authorizing the City Manager to accept the improvements completed in Contract



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No. C21-22 (2020 Sanitary Sewer Rehabilitation Project-Phase C) and file the Notice of Completion with the County Recorder's Office

- 7-10.** Advisory Body Appointment – Harshita Mira Venkatesh appointed by Council Member Tiedemann to the Climate Action Committee

Staff recommendation: informational only

Mayor Gary asked if anyone wished to remove items from the consent calendar. Vice Mayor Jordan removed Item 7-6, and Council Member McQuaid removed Item 7-4.

Item 7-4 was removed to provide opportunity for the Rotary Club to speak in support of Council's recognition of World Polio Day.

Item 7-6: Vice Mayor Jordan advised that he did not intend to reduce the fee to \$0 for a tree removal application in the City right-of-way.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, to approve the consent calendar with an amendment to the resolution in Item 7-6 to maintain the current charge for a tree removal application.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

## **8. PRESENTATION**

- 8-1.** Review of Advisory Body Work Plan

Staff recommendation: that the Council:

1. Receive presentation regarding the work plan developed by the Planning & Zoning Commission
2. Provide any comments or direction regarding the proposed work plan
3. Approve work plan for implementation by the Advisory Body

City Clerk Anne Hsu presented the staff report. Staff recommends the Council review the work plan, provide direction and comments, and approve it.

Liz Watty, Planning & Zoning Commission (Commission) Chair, highlighted the Commission's achievements and productivity during the 2019-2021 work plan. The Commission will continue to prioritize initiatives that facilitate new housing development in 2021-2023.

A summary of public comment is as follows: a request for the definition of affordable housing in Albany and questions about the consideration of diversity.



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Chair Watty explained the City's inclusionary ordinance and that affordable housing eligibility is based on size of household and household income. The Commission is focused on producing more affordable housing in Albany. The primary source of affordable housing is market-rate development.

Planning Manager Hersch clarified that the one affordable unit in the Portland-Kains townhouse project will be restricted to low income.

A summary of Council comment is as follows: items from the 2019-2021 work plan should be categorized as not worked on, worked on, or completed; a proposal to add preparation of a soft story ordinance, Measure K Albany Hill Specific Plan, and off-street parking minimums in R-1 zones as potential items and processing of planning applications as a recurring item; concern about adding parking in R-1 zones; Council should agendaize a discussion of parking in R-1 zones and provide comprehensive direction to the Commission;

Planning Manager Hersch indicated that any amendments to Measure K are subject to a vote of the people and would have to be authorized by the City Council. A robust California Environmental Quality Act (CEQA) analysis is required for a City-sponsored initiative. Because Measure K is part of the Housing Element, the CEQA analysis for the Housing Element would include any amendments to Measure K. Staff and a consultant are working on a soft story ordinance.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to approve the Planning & Zoning Commission Work Plan as amended to include potential Measure K in the Housing Element item, off-street parking minimums in R-1 zones as a potential item, and planning applications as a recurring item.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

### **8-2. Update on Eucalyptus on Albany Hill and Authorization of Funding for the Albany Hill Eucalyptus Project (CIP No. 41015)**

Staff recommendation: that the Council receive the presentation, and adopt Resolution No. 2021-105, authorizing establishment of the Albany Hill Eucalyptus Project (CIP No. 41015) and appropriating \$100,000 from remaining Measure R capital funds for the project

Natural Areas Coordinator Margot Cunningham presented the staff report and summarized information provided to the Parks, Recreation, and Open Space Commission in May 2021 and the Council in June 2021. Tree surveys by a consulting arborist and a pathogen study by a UC Berkeley lab are complete, and staff has received results and



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recommendations from the studies. Most of the 390 trees assessed are in poor or fair health and have poor structure. The arborist recommends immediate removal of trees that pose a threat to public safety, removal of most of the remaining trees, a higher assessment of trees in monarch habitat, and the City consider stand dynamics. Staff intends to meet with a second arborist regarding the higher assessment. In September 2021, 14 dead or dying trees were removed from the crest of Albany Hill, and one tree was pruned. Trees from six sites around the Bay Area were sampled for the pathogen study. Symptoms common to the sites were brown foliage and twig cankers. The lab determined that a leaf blight fungus, which is harmless until a tree becomes physiologically stressed, caused the symptoms. The authors and funders of the studies are working on formal best management practices and recommend removing eucalyptus trees in drier sites; thinning trees and removing or treating leaf debris; spreading soil or compost on the site; and planting a variety of trees in monarch habitat.

Interim Fire Chief Jim Boito advised that the Fire Department inspects the hill daily, has identified trees about to fall, and conducts drills with neighboring fire departments. Installation of a fire hydrant atop Albany Hill should be complete in approximately five weeks. In a meeting with member of the CalFire Ranger Unit, he will learn about State programs that can implement mitigation measures on Albany Hill at little to no cost. Urban Tilth continues vegetation management work.

Natural Areas Coordinator Cunningham reported that staff is preparing a plan for a large-scale removal of eucalyptus, erosion mitigation, and habitat restoration. Long-term project plans include tree removals, protection and restoration of existing native plant communities and monarch habitat, reduction of the fire hazard, and soil stabilization and erosion prevention. A fuel assessment and an expanded monarch habitat analysis are underway. Staff anticipates continued collaboration with private property owners and will investigate funding sources for tree removals and restoration of private and City-owned parcels. Potential funding sources include the budget and Measure R Open Space Capital Fund.

Molly Batchelder, SBCA Tree Consulting, described visual inspections, criteria for recommending removal, and stand dynamics.

A summary of public comment is as follows: boulders at the top of Albany Hill need to be secured; an inquiry into the reason for replacing trees with trees.

Natural Areas Coordinator Cunningham explained that trees removed from monarch habitat will be replaced because monarchs need trees for clustering; and many of the eucalyptus are already dead.

A summary of Council comment is as follows: tree removal is warranted and has been discussed for many years; for many people, eucalyptus trees are a symbol of Albany Hill; many of the policies adopted in 2012 should be updated; eucalyptus are not native trees; Measure R funding can be used for planning and perhaps emergency tree removals.



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### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to adopt Resolution No. 2021-105, authorizing establishment of the Albany Hill Eucalyptus Project (CIP No. 41015) and appropriating \$100,000 from remaining Measure R capital funds for the project.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

## **9. PUBLIC HEARING**

### **9-1. PA21-002 Design Review, Density Bonus & Street Tree Removal for a New Mixed-Use Development at 540 San Pablo Avenue**

Planning & Zoning Commission recommendation: the Planning & Zoning Commission adopted Planning & Zoning Resolution No. 2021-02 (5-0 vote) and 2021-03 (4-1 vote) on September 29, 2021, forwarding a recommendation to the City Council to determine the project is categorically exempt from CEQA and forwarding a recommendation to approve the Density Bonus and Design Review project entitlements

Parks, Recreation & Open Space Commission recommendation: the Parks, Recreation and Open Space Commission with a 5-0 vote forwards a recommendation to the City Council to approve the street trees removal request

Staff recommendation: that the Council adopt:

1. Resolution No. 2021-106, determining the project is categorically exempt from the California Environmental Quality Act Guidelines
2. Resolution No. 2021-107, approve Design Review, Density Bonus and Street Tree Removal for the 540 San Pablo Avenue mixed-use development

Planning Manager Hersch presented the staff report. State Density Bonus Law is available to developers who wish to build additional dwelling units and obtain flexibility from local requirements in exchange for affordable housing. SB 330 limits the number of review meetings to five. She described the residential and commercial components of the project. An easement is located on the property and provides access from Sutter Health to the signalized intersection. The applicant altered the park and bicycle room in response to comments from the Planning & Zoning Commission. The applicant proposes a 50 percent density bonus, three concessions, and three waivers in exchange for 21 very-low-income units. The proposed affordable housing units will satisfy the City's inclusionary ordinance. Rent for affordable units varies based on unit size and household size. The project sponsor manages the affordable unit process and ensures applicants are income qualified. The applicant proposes to remove 27 trees, preserve 10 trees, and add 33 trees as part of the project. The project provides public benefits in addition to housing, complies with the green building ordinance, and provides public open space and





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parking. The project is also subject to public art, life/safety, and C3 requirements and the Housing Accountability Act.

Isaiah Stackhouse, project architect, noted that the project is located near stores, services, and transportation. An easement on the property can be relocated but cannot be revoked. He reviewed the original proposal and subsequent iterations and explained the rationale for parking spaces, proposed landscaping, and amenities for sustainability.

Vice Mayor Jordan reported an ownership interest in real property located within 1,000 feet of the project site. After conducting the required analysis, he determined that he does not have a conflict of interest.

A summary of public comment is as follows: a question regarding the integrity of the storm drain system along the street and on the project site; a suggestion to offer strips of real property at a discount to property owners affected by the daylight plane; support for the project and complete electrification of the buildings; questions concerning the applicant's request for a concession of required ground-floor retail; the project will bring vitality to the area; encouragement for the City to support residents of the project; the buildings utilize gas appliances, which are not sustainable; parking is already dense in the area, and the project will make it worse; the City should conduct traffic and parking studies.

Planning Manager Hersch advised that she worked with the City Attorney and met with the applicant who was amenable to a concession for the ground-floor commercial requirement. The City's consultant conducted an extensive review in determining the project is exempt from CEQA review. As part of the project, the large and old subsurface storm drainpipe will be upgraded and relocated.

A summary of Council comment is as follows: the design is attractive;; electric heat pumps are preferred; the applicant has made changes in response to comments from the public, staff, and advisory bodies; the project provides housing and parking; the driveway at the signalized intersection should be a roadway; perhaps the applicant would be willing to offer parking at a discount equivalent to the rent discount to affordable housing tenants; a local density bonus ordinance may be needed to encourage affordable housing.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Nason, to adopt Resolution No. 2021-106, determining the project is categorically exempt from the California Environmental Quality Act Guidelines, and Resolution No. 2021-107, approving Design Review, Density Bonus and Street Tree Removal for the 540 San Pablo Avenue mixed-use development.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan

NOES: None

ABSTAINS: Mayor Gary

Motion carried and so ordered.



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**9-2.** Urgency Ordinance No. 2021-10 Revising the Repayment Period for Unpaid Rent and Rent Increases under the Commercial Moratorium on Evictions during COVID-19 Pandemic

Staff recommendation: by a four-fifths vote, that the Council adopt Urgency Ordinance No. 2021-10 to revise the repayment period for unpaid rent and rent increases under the commercial eviction moratorium during the COVID-19 pandemic and setting forth the facts constituting such urgency

City Attorney Mala Subramanian presented the staff report. The urgency ordinance extends certain tenants' date of repayment to a date certain. The moratorium for commercial tenants expired on September 30, 2021, and the repayment period was scheduled to begin 12 months after expiration of the local emergency. Albany's local emergency has not expired. Staff recommends a date certain of September 30, 2022, which is one year after expiration of the moratorium.

A summary of Council comment is as follows:

**MOTION:**

Moved by Council Member Nason, seconded by Council Member Tiedemann, to adopt Urgency Ordinance No. 2021-10 to revise the repayment period for unpaid rent and rent increases under the commercial eviction moratorium during the COVID-19 pandemic and setting forth the facts constituting such urgency.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

**MOTION:**

Moved by Mayor Gary, seconded by Council Member Tiedemann, to extend the meeting to 11:00 p.m.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

**11-1.** Multi-Family Electric Vehicle Charging Pilot Program

Climate Action Committee recommendation: that the Council approve the program and fund from Measure DD revenue





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Staff recommendation: that the Council authorize staff to create the Multi-Family Electric Vehicle Charging Pilot Program, and fund and track the program with revenues associated with Measure DD

Community Development Analyst Michelle Plouse presented the staff report. The Albany Climate Action and Adaptation Plan (CAAP) contains a goal of achieving 98 percent electric vehicle (EV) adoption by 2045. Electric vehicles are a major component of greenhouse gas reduction goals. People living in multi-family residential buildings often have less access to EVs and EV chargers. Incentives and technical issues are more complicated for owners and residents of multi-family buildings. The Climate Action Committee (CAC) proposed a pilot program for multi-family residential buildings and recommended the Council approve the pilot program and allocate funding for it. PG&E's EV Charge Network is full and not accepting applications. The Bay Area Air Quality Management District's (BAAQMD) Charge! Program is also full for the year. The CALeVIP Program will launch in December and is expected to be oversubscribed within an hour of its launch. The pilot program is designed to gather data and information that will inform future strategies. Two or three multi-family residential buildings will participate in the program with a priority for low-income and disadvantaged communities. Each building will receive \$15,000 in incentive funding and outreach and EV resources for tenants. The budget for the overall program is \$50,000.

A summary of public comment is as follows: the program is intended to collect data; support for the program; a suggestion to use the funding to subsidize electrical improvements for homeowners with EVs.

A summary of Council comment is as follows: access to the charging stations should be limited to building tenants; the program is a good idea; the Council needs a comprehensive plan for expenditure of Measure DD funding.

**MOTION:**

Moved by Vice Mayor Jordan, seconded by Mayor Gary, to authorize staff to create the Multi-Family Electric Vehicle Charging Pilot Program, fund and track the program with revenues associated with Measure DD, and consult with Energy Council staff regarding the program.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

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	Gary	Jordan
Alameda County Transportation Commission	Nason	Jordan



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Alameda County Waste Management Authority	Jordan	Jordan
Association of Bay Area Government	Tiedemann	Gary
East Bay Community Energy JPA Board	Tiedemann	Jordan
East Bay Sports Field Recreational Authority JPA	Nason	Gary
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Tiedemann
Alameda County Mosquito Abatement District	Jordan	Tiedemann
Alta Bates Hospital Task Force	McQuaid	Nason
Alameda County Library Advisory Commission	Gary	(vacant)
City/AUSD/UC - 2X2X2	Gary	Jordan
Police & Fire Pension Fund Board	Gary	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

Vice Mayor Jordan reported he attended a meeting of the Alameda County Mosquito Abatement District, which voted to become a member of the Hayward Area Shoreline Planning Agency. He attended a StopWaste planning committee meeting, in which he learned that only 1 and 2 plastics are recyclable statewide. He also met with the StopWaste Executive Director regarding the unfunded mandate of SB 1383.

Council Member Tiedemann reported the nomination period for Association of Bay Area Governments (ABAG) officers closed with only one nomination for each office. Jesse Arreguin is the ABAG President.

Council Member McQuaid reported as Chair of the Housing Authority of Alameda County she hosted a meeting of Albany property owners with Housing Authority of County of Alameda (HACA), and Berkeley Food and Housing Project (BFHP). She also attended the flag-raising ceremony for the Confederated Villages of Lisjan.

Council Member Nason reported she attended an Alameda County Transportation Commission (ACTC) policy and legislation committee meeting, and she and Vice Mayor Jordan met with ACTC staff and City staff to discuss common transportation issues. In addition, she attended the flag-raising ceremony for the Confederated Villages of Lisjan and the East Bay Regional Park District's tour and presentation of Point Molate as a potential regional park.

Mayor Gary reported she attended the Alameda County Mayors' Conference, where she learned about the Howard Terminal ballpark project, and attended a presentation from the JPA regarding wildfire prevention in the East Bay Hills and discussion of COVID-19 issues.

### 13. FUTURE AGENDA ITEMS



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Vice Mayor Jordan indicated he will present an item regarding working with the Energy Council on a program to subsidize electric panel upgrades for electrification of existing buildings.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Events – please check on City website [www.albanyca.org](http://www.albanyca.org) under City Calendar web page for up-to-date information

Upcoming City Meetings

1. Community Task Force on Policing Meeting, Tuesday, October 19, 7:00 PM ,Virtual Meeting via phone/video conferencing
2. Climate Action Committee Meeting, Wednesday, October 20, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Community Media Access Committee Meeting, Monday, October 25, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Police and Fire Pension Board Meeting, Tuesday, October 26, 4:30 PM, Virtual Meeting via phone/video conferencing
5. Transportation Commission Meeting, Thursday, October 28, 7:00 PM, Virtual Meeting via phone/video conferencing
6. City Council Meeting, Monday, November 1, 7:00 PM, Virtual Meeting via phone/video conferencing

### 15. ADJOURNMENT

10:49 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting in memory of former Secretary of State Colin Powell, who passed away.

Minutes submitted by Anne Hsu, City Clerk.

Ge'Nell Gary, MBA

Mayor

Attest:

Anne Hsu, City Clerk