



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, November 21, 2022

Date approved: December 5, 2022

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### **SPECIAL MEETING: 6:15 PM**

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

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

Absent: None

#### **2. CLOSED SESSION**

**2-1.** Conference with Legal Counsel – Existing Litigation (Gov. Code 54956.9(d)(1).)

City of Albany v. Albany Lions Club, Lions International, et al.  
Alameda County Superior Court, Case No. 22CV010822

Lions Club of Albany, California v. City of Albany  
United States District Court, Northern District, Case No. C22-05377 WHA

No public comment received.

### **ADJOURNMENT OF SPECIAL MEETING**

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

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

Council Member Nason 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 McQuaid and Nason, Vice Mayor Tiedemann, Mayor Jordan

Absent: None

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

Mayor Jordan announced no reportable action from the closed session.

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

**4-1.** Proclamation – Lieutenant David A. Belman Jr. Retirement  
Council Member McQuaid presented the proclamation to Lieutenant Belman.

A summary of public comment is as follows: congratulations to Lieutenant Belman; appreciation for his service.



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### 5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported Waste Management's collection schedule will be adjusted for the upcoming holidays, and information about waste mitigation can be found on the City website and the City eNews. Election results are not yet final, and anticipate certification at a later date. Confirmation of the certification by this Council is scheduled for December 12, 2022. The Council is also scheduled to appoint a candidate to the vacant seat on December 12, 2022. Albany's eGift Card is now available with a buy-one-get-one matching offer([choosealbany.org/shopalbany](http://choosealbany.org/shopalbany)). On November 10, 2022, the court granted the City's motion to appoint a receiver for 739 Madison Street, and the receiver will implement a court-approved rehabilitation plan for the property.

A summary of public comment is as follows: an update regarding the condition of 739 Madison Street.

A summary of Council comment is as follows: encouragement to purchase eGift Cards early as they previously sold out quickly.

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

Mayor Jordan opened the Good of the City.

A summary of public comment is as follows: appreciation for Council Member McQuaid's support of the Rent Review Program and Tenant and Community Opportunity to Purchase Act (TOPA/COPA) Program; a suggestion for the City to participate in fentanyl overdose mapping ([odmap.org](http://odmap.org)); a concern regarding children running on the roof of the Veterans Memorial Building.

### 7. CONSENT CALENDAR

#### 7-1. Minutes: November 7, 2022

Staff recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 11/4/2022: Net Amount \$353,159.28, Taxes/Benefits/Deduction \$366,956.59, Total Payroll \$720,115.87

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 \$153,848.59 (11/4/2022), \$248,001.10 (11/11/2022)

Staff recommendation: Ratify

#### 7-4. Investment Manager Selection



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Staff recommendation: that the Council adopt Resolution No. 2022-1165, authorizing the City Manager to enter into a contract with PFM Asset Management LLC for investment management services

### 7-5. Deployment of Solar and Battery Storage Systems

Staff recommendation: that the Council adopt Resolution No. 2022-117, authorizing the City Manager to pursue deployment of solar and battery storage systems at critical municipal facilities in partnership with East Bay Community Energy (EBCE)

### 7-6. Policy Requiring City Council Ratification of Nominations Made by the Board of Education (BOE) to City Council Advisory Bodies

Staff recommendation: that the Council adopt Resolution No. 2022-118, establishing a policy requiring City Council ratification of nominations made by the Board of Education to City Council Advisory Bodies

Mayor Jordan asked if anyone wishes to remove items from the consent calendar. Mayor Jordan removed Item 7-5. A member of the public removed Items 7-4, 7-5, and 7-6.

Item 7-4: City Manager Almaguer reported the contract provides a minimum annual fee of \$25,000 as stated in the staff report.

Item 7-5: Sustainability Coordinator Elizabeth Carrade reported EBCE will hire an independent engineer to assess all City-owned facilities to determine which are viable for the project. It's the City's and EBCE's goal to help cities electrify facilities, and all-electric equipment will work better with solar and storage system.

Item 7-6: City Manager Almaguer reported the City Council is responsible for ratifying the Board of Education's nominations to City Council Advisory Bodies.

A summary of public comment is as follows: inquiries as to the details of the contract for investment management services; suggestions for locations of solar and battery storage systems; a request for clarification of the Council's ratification of Board of Education appointments to Advisory Bodies.

### **MOTION:**

Moved by Council Member McQuaid, seconded by Council Member Nason, to approve the consent calendar.

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

NOES: None

Motion carried and so ordered.



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### 8. PRESENTATION

#### 8-1. Quarterly Financial Update

Staff recommendation: that the Council receive a report on the status of the City's finances

Finance & Administrative Services Director Heather Rowden presented the staff report and updates of fiscal year (FY) 2022 4<sup>th</sup> quarter and FY 2023 1<sup>st</sup> quarter. The FY 2022 operating budget shows a surplus of \$1.9 million, but not all appropriations have been included. Once an audit has been completed, staff will recommend appropriations for any surplus funds. Expenses exceed revenue in the first quarter of FY2023; however, property tax revenue will be received in the second quarter and should bring revenues in line with expenses. In addition, one-time payments for insurance and the California Public Employees' Retirement System (CalPERS) unfunded liability are made in the first quarter. Based on the FY2022 budget, budgeting is appropriate. The Cash and Investment Summary reflects the funding sources for the City's cash flow. As required by the Albany Municipal Code, business license taxes were recalculated, which resulted in fairly significant increases. Staff reached out to businesses to explain the increases.

A summary of public comment is as follows: East Bay Municipal Utility District (EBMUD) should reimburse the City for paving streets after it digs up the streets.

A summary of Council comment is as follows: thanks for including a breakdown of the franchise and other taxes.

### 9. PUBLIC HEARING

#### 9-1. Amendments to the Disposition and Development Agreement (DDA) Between Satellite Affordable Housing Associates (SAHA) and the City of Albany for the Development of the Albany Family Housing Project Located at 755 Cleveland Avenue

Staff recommendation: that the Council adopt Resolution No. 2022-119, authorizing the City Manager to execute amendments to the Disposition and Development Agreement (DAA between Satellite Affordable Housing Associates (SAHA) and the City of Albany for the development of the Albany Family Housing Project located at 755 Cleveland Avenue and approving findings pursuant to Section 33433 of the California Health and Safety Code

CEQA: The project is Categorically Exempt from California Environmental Quality Act (CEQA) Guidelines under Section 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development.

Community Development Director Jeff Bond presented the staff report. The City has been working with Satellite Affordable Housing Associates (SAHA) to develop an affordable



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housing project at the northeast corner of Cleveland and Washington Avenues. In October 2020, the City Council approved a Disposition and Development Agreement (DDA). The proposed amendments remove the bike path from the project so that it can be constructed as a separate City project, provide that the City will assume responsibility for maintaining the public access easement, include regulatory agreements that set limits on rent adjustments in the event of a foreclosure on the property, allow other agencies to record their security interests against the City's fee ownership rather than the City's ground lease of the property, if necessary, and authorize the City Manager to make minor amendments to the documents so that they can be finalized in early December 2022.

Rafael Yaquian, Goldfarb & Lipman LLP, advised that the regulatory agreements are intended to maximize the number of units that remain affordable should a foreclosure occur. The goal is to make the project financially feasible in the long term and to protect the most vulnerable residents.

Eve Stewart, SAHA, reported the project will offer sixty-two new apartment homes and amenities for families earning between twenty and sixty percent of the area median income. Nineteen of the homes will be reserved for individuals and families experiences homelessness. The all-electric building will be built to GreenPoint Rated Gold standard. SAHA has secured more than \$50 million in financing for the project. Finalizing the documents and beginning construction in early December are necessary to comply with agreements and contending rising construction costs and increasing interest rates and appreciates the City's support.

Mayor Jordan opened the Public Hearing.

A summary of public comment is as follows: support for the project and amending the DDA; inquiries about ownership of the property and the building and the entity serving as the property manager.

Ms. Stewart indicated that SAHA will serve as the property manager, and the application process will likely open in the spring of 2024.

Mayor Jordan closed the Public Hearing.

Mayor Jordan reported the City owns the property, and SAHA will own the building. Director Bond added that this type of arrangement is common for affordable housing projects on public land.

### **MOTION:**

Moved by Council Member Nason, seconded by Council Member McQuaid, to adopt Resolution No. 2022-119, authorizing the City Manager to execute amendments to the Disposition and Development Agreement (DAA) between Satellite Affordable Housing Associates (SAHA) and the City of Albany for the development of the Albany Family Housing Project located at 755 Cleveland Avenue and approving findings pursuant to Section 33433 of the California Health and Safety Code.



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

NOES: None

Motion carried and so ordered.

### 10. UNFINISHED BUSINESS

#### 10-1. Reimbursement Agreement for Public Improvements Related to Storm Drain Improvements at 540 San Pablo Avenue

Staff recommendation: that the Council adopt Resolution No. 2022-120, authorizing the City Manager to execute Reimbursement Agreement for public improvements related to storm drain improvements at 540 San Pablo Avenue

CEQA: The project is Categorically Exempt from California Environmental Quality Act (CEQA) Guidelines under Section 15332, "In-Fill Development" of the CEQA Guidelines, which exempts in-fill development.

Community Development Director Bond presented the staff report. In October 2021, the City Council granted planning-level approval for a 207-unit apartment project at 540 San Pablo Avenue, the former site of Albany Bowl. A storm drain currently runs beneath the building on the site. Staff has been working with the developer to make the storm drain a public facility with adequate drainage capacity that is accessible for repairs and maintenance. Staff and the developer propose relocating the storm drain to the public right-of-way along Clay Street and to private property along Adams Street, increasing the size of the pipe, and installing relief lines. The estimated cost is \$1.15 million, which would be paid from storm drain funds.

A summary of public comment is as follows: a suggestion to collect stormwater runoff to irrigate landscape along the sidewalk; an inquiry about filtering stormwater before it enters Cerrito Creek.

Community Development Director Bond advised that regulatory agencies to cities that requires all new development to implement low-impact development stormwater treatment measures.

Public Works Director Hurley stated fund is available in the Street and Storm Drain Fund and will not impact any current projects and be factored into future planning.

A summary of Council comment is as follows: concern regarding staff's ability to facilitate multiple large projects; appreciation to staff for project efforts; staff has explained the sized-up new storm drain will address future larger storm events.

#### **MOTION:**

Moved by Council Member McQuaid, seconded by Council Member Nason, to adopt Resolution No. 2022-120, authorizing the City Manager to execute a Reimbursement



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Agreement for public improvements related to storm drain improvements at 540 San Pablo Avenue.

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

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

City Council Appointed Representation Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Jordan	Tiedemann
Alameda County Transportation Commission	Nason	Jordan
Alameda County Waste Management Authority	Jordan	Nason
Association of Bay Area Government	--	Tiedemann
East Bay Community Energy JPA Board	Tiedemann	Jordan
East Bay Sports Field Recreational Authority JPA	Nason	--
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Tiedemann
Alameda County Mosquito Abatement District	Jordan	N/A
Alameda County Library Advisory Commission	--	(vacant)
Alta Bates Hospital Task Force	McQuaid/Nason	N/A
Rausser College of Natural Resources Dean's Advisory Committee on the Gill Tract (DAC)	--	N/A
City/AUSD/UC - 2X2X2	Jordan/Tiedemann	N/A
Police & Fire Pension Fund Board	Jordan	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

Council Member McQuaid reported she attended meetings of the Police & Fire Pension Fund Board, the League of California Cities (East Bay), the East Bay Housing Organizations, and the Housing Authority of Alameda County. She also attended the Alameda County District Attorney's remembrance of people killed by domestic violence, a United Against Hate event, and the California Office of Emergency Services (OES) Mitigation Summit. She was elected to the Board of Directors of the East Bay Housing Organizations.

Vice Mayor Tiedemann reported he attended the East Bay Community Energy (EBCE) Joint Powers Authority (JPA) Board meeting, where the board elected a new chairperson and approved a tolling agreement related to electric vehicle charging.





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Council Member Nason reported she attended a hearing in the City of Albany v. Albany Lions Club litigation in San Francisco.

Mayor Jordan reported he attended the Community Emergency Response Team (CERT) pop-up event at Memorial Park.

### 13. FUTURE AGENDA ITEMS

### 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

1. Thanksgiving Holiday – Thursday, November 24, 2022 & Friday, November 25, 2022 (City offices Closed)
2. End of the Year City Offices Closure – Monday December 26, 2022 through Monday, January 2, 2023. City offices will resume normal office hours on Tuesday, January 3, 2023

#### Upcoming City Meetings

1. Economic Development Committee Meeting, Thursday, December 1, 5:00 PM, Virtual Meeting via phone/video conferencing
2. Transportation Commission Special Meeting, Thursday, December 1, 7:30 PM, City Hall Council Chambers
3. City Council Meeting, Monday, December 5, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

8:33 p.m. There being no further business before the City Council, Mayor Jordan adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

  
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Preston Jordan  
Mayor

Attest:

  
\_\_\_\_\_  
Anne Hsu, City Clerk