



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, December 18, 2023

SPECIAL MEETING - CLOSED SESSION: 6:00 PM

1. CALL TO ORDER / ROLL CALL

Present: Council Members Hansen-Romero and Jordan (arrived at 6:05 PM), Vice Mayor Miki, Mayor Tiedemann

Absent: Council Member López

2. CLOSED SESSION

2-1. Conference with Labor Negotiators pursuant to Government Code Section 59457.6

Agency Representatives: City Manager Nicole Almaguer, Human Resources Director Penny Ha, and Charles Sakai of Sloan Sakai Yeung & Wong LLP
Employee Organization: SEIU (Service Employees International Union)

2-2. Conference with Labor Negotiators pursuant to Government Code Section 59457.6

Agency Representatives: City Manager Nicole Almaguer, Human Resources Director Penny Ha, and Charles Sakia of Sloan Sakai Yeung & Wong LLP
Employee Organization: AFFA (Albany Fire Fighters' Association)

2-3. Public Employee Appointment or Employment Pursuant to Government Code Section 54957

Position to be filled: Finance Director / City Treasurer

ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER LAND ACKNOWLEDGEMENT

Mayor Tiedemann 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 and Jordan, Vice Mayor Miki, Mayor Tiedemann

Absent: Council Member López

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

Mayor Tiedemann announced no reportable action from Closed Session.

4. CEREMONIAL MATTERS



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5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported Avenu mailed notices for business license renewals the week of December 15, 2023, and business licenses can be renewed via an online portal beginning January 2, 2024. Information regarding the portal is available at albanyca.org/business/business-licenses. On December 13, 2023, the Albany Police Department and Albany Police Officers Association participated in Target's Heroes and Helpers program. An interactive kiosk honoring Dr. Martin Luther King, Jr., will be located at the Community Center from January 3-16, 2024, and provide opportunities to volunteer with community organizations. Registration for the Recreation and Community Services Department's winter/spring programs is open; the Activity Guide is available at albanyca.org/recreation/activity-guide. The winter Stroll-ish and Holiday Makers Market were held on December 10, 2023. The Public Works Department is preparing for storms and providing sand for sandbags at Ocean View Park. East Bay Municipal Utility District (EBMUD) will perform urgent repairs on a water leak in the 1300 block of Solano Avenue. With the completion of Phase 8 of the Sidewalk Repair Program, the City has repaired more than 400 locations and addressed all issues designated critical.

6. GOOD OF THE CITY / PUBLIC COMMENT

Mayor Tiedemann opened the Good of the City.

A summary of public comment is as follows: requests for the Council to support a resolution for a ceasefire in Gaza.

7. CONSENT CALENDAR

7-1. Minutes – December 4, 2023

Staff Recommendation: Approve

7-2. Ratification of Payroll – Date Paid 12/1/2023: Net Amount \$435,624.98, Taxes/Benefits/Deductions \$442,438.87, Total Payroll \$878,063.85

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 \$612,256.98 (12/1/2023), \$199,942.18 (12/8/2023)

Staff Recommendation: Ratify

7-4. Animal Control Services Contract

Staff Recommendation: That Council adopt Resolution No. 2023-80, approving an amendment to renew the animal control services contract with the City of Berkeley



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for a period of 3 years – FY 2024 to FY 2026 (July 1, 2023 – June 30, 2026) in an amount not to exceed \$291,019

7-5. Albany Creative Justice Art Project

Arts Committee Recommendation: That the Council approve Path to Belonging by Susan Moffat for the implementation of the Albany Creative Justice Art Project

Staff Recommendation: That the Council adopt Resolution No. 2023-81, affirming the Arts Committee's selection, Path to Belonging by Susan Moffat, for the implementation of the Albany Creative Justice Art Project in an amount not to exceed \$30,000

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

MOTION:

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

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

NOES: None

ABSENT: Council Member López

Motion carried and so ordered.

8. PRESENTATION

8-1. City Council Strategic Plan 2023 – 2025 – Status Update

Staff Recommendation: That the Council receive a presentation providing a status update regarding progress towards implementing the 2023-2025 City Council Strategic Plan

City Manager Almaguer presented the status update for the City Council Strategic Plan. Staff has made significant progress in implementing the City Council Strategic Plan since its adoption eight months ago. Twenty-two of the 28 objectives contained in the Strategic Plan are underway or have been completed. Staff has also developed an Implementation Status Dashboard on the city website Almaguer provided a summary of projects and programs underway to further the City Council Strategic Plan and noted that the goals of the plan are also ingrained in the day-to-day operations of the City whenever practical.

A summary of public comment is as follows: encouragement for the Council to provide staff and resources for climate action goals.

A summary of Council comment is as follows: appreciation for staff's work and progress; the Climate Action Committee is reviewing a declaration of climate emergency.



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9. PUBLIC HEARING

9-1. Amendments to the Zoning Ordinance to Update Accessory Dwelling Unit Regulations – First Reading

Planning & Zoning Commission and Staff Recommendation: That the Council introduce and waive the first reading of Ordinance No. 2023-07, repealing and replacing Section 20.20.080 “Accessory Dwelling Units” of the Albany Municipal Code and amending Sections 20.08, 20.12, 20.16, 20.24, 20.28, 20.40, 20.56, and 20.100 of the Zoning Ordinance to update Accessory Dwelling Unit Regulations

California Environmental Quality Act (CEQA):

Consideration of the ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resource Code 21080.17 and CEQA Guidelines Section 15282(h), which provide that CEQA does not apply to the adoption of an ordinance implementing the provisions of Section 65852.1 (Accessory Dwelling Units) or Section 65852.2 (Junior Accessory Dwelling Units) of the California State Government Code.

Planning Manager Leslie Mendez presented the staff report. The proposed amendments revise the Zoning Ordinance to comply with State law, correct life safety issues, and further facilitate ADU development. The Planning & Zoning Commission (PZC) twice reviewed proposed amendments, commented regarding height limits and setbacks, and unanimously recommended adoption of the draft ordinance.

Ordinance amendments include: elimination of the 0-foot setback and requirement of a minimum 3-foot setback to allow for emergency access; a 20-foot height limit for all detached ADUs; a 25-foot height limit for attached ADUs, with an exception to allow an additional 3 feet in order to match the height and pitch of the primary residence’s roofline; elimination of any size limitation based on a proportion of the size of the existing primary residence; and exclusion of the square footage of detached and attached ADUs up to 800 square feet in size from both lot coverage and Floor Area Ratio (FAR) calculations.

The proposed ordinance simplifies the processing of ADUs by eliminating the two-tier ADU planning application and allows all ADUs to be processed through building permit only. Other amendments to simplify the ordinance include eliminating definitions not used in the ordinance, presenting development standards in table format, and other clean up amendments mainly for terminology consistency.

A summary of public comment is as follows: support for construction of ADUs and encouragement for electrification of ADUs; inquiries regarding the City website listing ADUs for rent and safety requirements for access to the second story of an ADU; an inquiry regarding affordable rents for ADUs; support for a 28-foot height limit, a 0-foot setback on one or two sides, and a 3-foot setback on two or three sides.



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Planning Manager Mendez related that staff has no plans to list for-rent ADUs on the City website. A 20-foot height limit should allow the construction of stairs to the second story. The proposed ordinance does not include affordability requirements. On a single-family parcel, the maximum number of ADUs is three: one detached ADU, one converted ADU, and one JADU. A multifamily parcel can provide two detached ADUs and a minimum of one converted ADU and up to 25% of the number of existing units in the building. The Council may determine the setback for ADUs provided it does not exceed the state mandated 4-foot maximum.

A summary of Council comment is as follows: support for a 3-foot setback on all sides; appreciation for staff's thoroughness in reviewing State law and considering multiple scenarios; provisions of the ordinance can be revised in the future if they do not function well; the Council can adopt the proposed ordinance and direct staff to consider potential changes and review them with the PZC over the next year; and deliberation over increased height for detached ACUs to allow for pitched roofs.

MOTION:

Moved by Council Member Jordan, seconded by Vice Mayor Miki, to introduce and waive the first reading of Ordinance No. 2023-07, repealing and replacing Section 20.20.080 "Accessory Dwelling Units" of the Albany Municipal Code and amending Sections 20.08, 20.12, 20.16, 20.24, 20.28, 20.40, 20.56, and 20.100 of the Zoning Ordinance to update Accessory Dwelling Unit Regulations; and to direct staff to explore a height limit greater than 20 feet to accommodate pitched roofs and other roof configurations.

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

NOES: None

ABSENT: Council Member López

Motion carried and so ordered.

10. UNFINISHED BUSINESS

11. NEW BUSINESS

11-1. City Council Appointment of Mayor and Vice Mayor

Staff Recommendation: That the Council appoint members of the City Council to the positions of Mayor and Vice Mayor for a one-year term per the process in the adopted City Council Procedures & Policies

City Clerk Anne Hsu presented the staff report. The City Council Procedures and Policies, revised in September 2023, provides guidelines for the appointment of Mayor and Vice Mayor. Vice Mayor Miki is the council member next in line for appointment as Mayor and Council Member López is the council member next in line for appointment as Vice Mayor.

Mayor Tiedemann advised that Council Member López in an email indicated his willingness to accept an appointment as Vice Mayor.



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MOTION:

Moved by Mayor Tiedemann, seconded by Council Member Hansen-Romero, to appoint John Miki as Mayor and Robin López as Vice Mayor.

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

NOES: None

ABSENT: Council Member López

Motion carried and so ordered.

11-2. City Council Appointments to County / Regional Bodies

Staff Recommendation: That the Council review and update the appointments to County/Regional Bodies

City Clerk Hsu presented the staff report. The Council typically reviews and updates appointments to County and Regional Bodies in December of each year. The City Council Procedures and Policies provides guidelines for the appointments.

A summary of Council comment is as follows: Council’s goal is to appoint the same person to a County / Regional Body for multiple years.

MOTION:

Moved by Council Member Tiedemann, seconded by Council Member Hansen-Romero, to appoint or recommend the appointment of the following persons to the stated County and Regional Bodies:

Alameda County Mayors’ Conference	Miki	López
League of California Cities	Miki	López
Alameda County Mosquito Abatement District	López	n/a
Alameda County Transportation Commission	Jordan	Miki
Alameda County Waste Management Authority	Hansen-Romero	Jordan
Association of Bay Area Governments General Assembly	Tiedemann	Jordan
East Bay Sports Field Recreation JPA	Hansen-Romero	Miki
Ava Community Energy JPA Board	Tiedemann	López
Housing Authority of County of Alameda	McQuaid	n/a
Alameda County Library Advisory Commission	Jordan	Tiedemann
Rausser College of Natural Resources Dean’s Advisory Committee on the Gill Tract	López	n/a
Alameda County Paratransit Advisory & Planning Committee	n/a	n/a

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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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	Tiedemann	Miki
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 Recreation 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

Council Member Tiedemann reported he attended the Mayors' Conference and meetings of the Association of Bay Area Governments (ABAG) Legislative Committee, where he learned about a transit revenue measure, and the Ava Community Energy Joint Powers Authority (Ava) Executive Committee, who received an update regarding appointments. In addition, he reported his attendance at an event hosted by the Berkeley Food Network, where he learned about efforts to distribute food.

Mayor Miki reported he attended a meeting of the League of California Cities Board of Directors, where they set priorities and a schedule for 2024. He reported UC Berkeley will offer three studios for community design and planning in 2024.

Council Member Jordan reported he attended an Alameda County Transportation Commission (ACTC) meeting, where he learned about development of the County Transportation Plan and 2024-2026 call for projects. Based on a social media post, the Alameda County Library System is transitioning the music collection from compact discs (CD) to three free, online services. Council Member Jordan announced he will assist in the School District's campaign for Measure G.

12-1. Report for Housing Authority of County of Alameda (HACA)

Council Member Tiedemann summarized Ms. McQuaid's written report.



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13. FUTURE AGENDA ITEMS

None.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Holiday City Offices Closure: Monday, December 25, 2023 – Monday, January 1, 2024
City Offices will resume normal office hours on Tuesday, January 2, 2024

Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, December 20, 7:00 PM, City Hall Council Chambers
2. Policing Commission Meeting, Thursday, December 21, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

9:21 PM There being no further business before the City Council, Council Member Tiedemann adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

Aaron Tiedemann
Mayor

Attest:

Anne Hsu, City Clerk