



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, July 1, 2024

Date approved: July 15, 2024

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### **SPECIAL MEETING – CLOSED SESSION: 5:30 PM**

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

Mayor Miki read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

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

Absent: None

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

**2-1.** Conference with Legal Counsel – Anticipated Litigation  
Initiation of Litigation (Gov. Code 54956.9(d)(4) (1 case)

No public comment received.

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

Mayor Miki announced no reportable action from the Special Meeting – Closed Session. Meeting adjourned at 6:03 PM.

### **REGULAR MEETING: 6:03 PM**

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

Council Member Tiedemann read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

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

Absent: None

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

**2-1.** Public Employee Performance Evaluation (Gov. Code Section 54957)  
Public Employee: Nicole Almaguer, City Manager

Conference with Labor Negotiators (Gov. Code Section 54957.6)

City Negotiator: Mayor John Miki

Unrepresented Employee: City Manager Nicole Almaguer

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

Mayor Miki announced no reportable action from Closed Session.



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### 4. CEREMONIAL MATTERS

#### 4-1. Proclamation and Certificate of Recognition – Albany High School Ultimate Frisbee Team

Mayor Miki presented the proclamation and certificates to the Ultimate Frisbee coaches and student athletes.

### 5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported the election nomination period begins July 15, 2024; information regarding nominations for the City Council and Albany Unified School District (AUSD) Board of Education can be found on the City website ([albanyca.org/election](http://albanyca.org/election)). Information regarding Ranked Choice Voting (RCV) and registration for virtual information sessions are available at [albanyca.org/RCV](http://albanyca.org/RCV). San Francisco Opera's *Bohème Out of the Box* on June 27, 2024 was well attended. The City's 4<sup>th</sup> of July celebration will begin at 11:00 AM in Memorial Park. Fireworks are prohibited in the City of Albany; residents may report the use of fireworks to Police Department non-emergency phone number (510) 525-7300. Enrollment for the fall Friendship Club is now open. Albany Fire Department (AFD) recently participated in a multi-agency wildfire response exercise. The National Weather Service has issued a red flag warning for the East Bay Hills until 11:00 PM on July 2, 2024, and information is available at [readyalbany.org](http://readyalbany.org).

### 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 for information regarding Golden Gate Fields; a question regarding Council Member conflict of interest; encouragement for the City to utilize electric vehicles (EV) and electrical equipment.

Mayor Miki reported information on City public meeting agenda and Golden Gate Fields is available on the City website.

### 7. CONSENT CALENDAR

#### 7-1. Minutes – June 17, 2024

Staff Recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 6/14/2024: Net Amount \$410,295.72, Taxes/Benefits/Deductions \$445,853.69, Total Payroll \$856,149.41

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 \$337,412.91 (6/14/2024), \$261,113.53 (6/21/2024)

Staff Recommendation: Ratify

- 7-4.** Advisory Body Appointment:

- Katharine Bierce appointed by Mayor Miki to the Climate Action Committee

Staff Recommendation: Information item

- 7-5.** Advisory Body Resignation:

- Alex Li appointed by Council as a Whole resigned from the Policing Commission

Staff Recommendation: Information item

- 7-6.** Annual Sidewalk Rehabilitation Program (CIP No. 22000) – Award of Phase 9 Construction Contract No. C24-24

Staff Recommendation: That Council adopt Resolution No. 2024-57:

1. Authorizing the City Manager to award Contract No. C24-24 to Arias for construction of the Project in the not-to-exceed amount of \$140,750; and
2. Appropriating \$50,000 from the Sidewalk Parcel Tax Fund (1305) and adjusting the budget for the Annual Sidewalk Rehabilitation Program (CIP No. 22000) accordingly

### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 “Existing Facilities” of the CEQA Guidelines, which exempts the repair, maintenance, and minor alteration of streets, sidewalks, pedestrian crossings, and street trees.

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

Staff Recommendation: That the Council adopt Resolution No. 2024-58, approving an updated Salary Schedule for City employees

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

### **MOTION:**

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

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



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NOES: None

Motion carried and so ordered.

### 8. PRESENTATION

#### 8-1. Request for Amendment to the Racial Inclusivity & Social Equity Commission Work Plan

Racial Inclusivity & Social Equity Commission Recommendation and Staff Recommendation: That the Council review the proposed amendments to the Racial Inclusivity & Social Equity Commission work plan and provide direction to the Racial Inclusivity & Social Equity Commission

City Clerk Anne Hsu presented the staff report. In May 2024, the Racial Inclusivity & Social Equity (RISE) Commission discussed removing the Housing Element item from its work plan due to the formation of the Housing Advisory Commission (HAC). The RISE Commission also proposed new items regarding the Racial Equity Impact Plan.

Charlee Trenkle, RISE Commission Chair, advised that the RISE Commission requests the addition of work plan items for listening sessions, outreach, and inclusive sports. The RISE Commission has completed or will soon complete many of the items on its work plan.

City Manager Almaguer reported the Racial Equity Survey has been discontinued, and staff will work with the City Council to identify other opportunities for the initiatives.

A summary of public comment is as follows: concern regarding the cost of the Racial Equity Survey; support for listening sessions regarding racial equity.

A summary of Council comment is as follows: a suggestion to refer the work plan to the previous Council Ad Hoc Subcommittee; concern about delaying the RISE Commission's work by referring the work plan to an Ad Hoc Subcommittee; the RISE Commission may want to hold joint sessions with the Housing Advisory Commission and should provide input to the HAC as needed.

City Attorney Mala Subramaniam advised that the Council is able to form an Ad Hoc Subcommittee in the current meeting and direct it to report to the Council at the next Council meeting.

#### **MOTION:**

Moved by Council Member Tiedemann, seconded by Mayor Miki, to amend the Racial Inclusivity & Social Equity Commission work plan as proposed.

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

NOES: None

Motion carried and so ordered.



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### 9. PUBLIC HEARING

#### 9-1. Public Hearing – Delinquent Solid Waste Collection Accounts

Staff Recommendation: That the Council adopt Resolution No. 2024-59, confirming the report and special assessment list associated with delinquent solid waste collection accounts and authorizing the delinquent charges be placed on the Alameda County property tax roll

Community Development Director Jeff Bond presented the staff report. Waste Management is required to continue collection and disposal of solid waste even when customers do not pay the amounts due on their accounts. In 2013, the City Council passed an ordinance authorizing the collection of delinquent charges by placing an assessment on the property tax roll. The Council approved a new franchise agreement with Waste Management in March 2024, but the terms of the 2024 agreement will not apply to the current collection of delinquent accounts. Waste Management has mailed at least four notices of delinquency to account holders, and the City sent a final request for payment to account holders or property owners.

#### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to adopt Resolution No. 2024-59, confirming the report and special assessment list associated with delinquent solid waste collection accounts and authorizing the delinquent charges be placed on the Alameda County property tax roll.

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

NOES: None

Motion carried and so ordered.

#### 9-2. Public Hearing for Amendments to Albany Municipal Code Chapter 12 Section 12-11 “Construction and Demolition Debris Recycling” – First Reading

Staff Recommendation: That the Council introduce and waive first reading of Ordinance No. 2024-03, amending Section 12-11 “Construction and Demolition Debris Recycling” of the Albany Municipal Code to clarify the current diversion requirements mandated by State laws, including Senate Bill (SB) 1383 and CALGreen

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA) by CalRecycle. The activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 regulations and its program EIR. No mitigation measures identified in the EIR are applicable to the City’s enactment of this Ordinance.



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In addition, the Ordinance is categorically exempt in accordance with CEQA Guidelines Section 15307 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of natural resources; and in accordance with Section 15308 as an action taken by a regulatory agency as authorized by California law to assure maintenance or protection of the environment.

Community Development Director Bond introduced consultant Sarah Koplowicz with R3 Consulting.

Sarah Koplowicz, R3 Consulting, reported the City adopted Municipal Code Section 12-11 in 2006. Senate Bill (SB) 1383 became law in 2016, and in 2021 the Alameda County Waste Management Authority (StopWaste) adopted an Organics Reduction and Recycling Ordinance as an SB 1383 enforcement mechanism. The City adopted an ordinance amending Section 15-2 and opting into the StopWaste ordinance. However, the City's Ordinance did not include diversion requirements for construction and demolition debris. Due to new State laws and updates to the CALGreen Code, the City needs to update Albany Municipal Code Section 12-11. City staff has incorporated the new requirements into existing processes for construction and debris project approval and recordkeeping.

A summary of Council comment is as follows: a preference for the Municipal Code to state the diversion rate rather than refer to State law.

### **MOTION:**

Moved by Council Member Jordan, seconded by Council Member Hansen-Romero, to introduce and waive first reading of Ordinance No. 2024-03, amending Section 12-11 "Construction and Demolition Debris Recycling" of the Albany Municipal Code to clarify the current diversion requirements mandated by State laws, including Senate Bill (SB) 1383 and CALGreen.

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

NOES: None

Motion carried and so ordered.

## **10. UNFINISHED BUSINESS**

### **10-1. Supplemental Business License Special Tax to Fund Tenant and Community Services**

Staff Recommendation: That the Council provide direction to staff regarding next steps with the potential ballot measure of a supplemental business license special tax for the November 5, 2024, General Municipal Election

Mayor Miki recused himself from Item 10-1 because he owns real property that would be affected by the proposed tax if approved.



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City Manager Almaguer presented the staff report. The Council discussed the item on May 20, 2024, and formed an Ad Hoc Subcommittee, which engaged the community stakeholders in additional discussions and worked with staff to draft a potential ballot measure. The City's consultant, NBS, has analyzed proposed scenarios for a tax measure and recommended a gross receipts tax of 1.7% for five or more units and 0.6% for four or less units. As a special tax, approval by a two-thirds majority of voters is required for passage.

Council Member Tiedemann, Ad Hoc Subcommittee Member, reported holding two meetings, one with housing providers and one with tenant advocates. Based on discussions during those meetings, the subcommittee recommends amending the proposed tax measure to remove Project HOPE, Albany CARES and Friendship Club from the expenditure plan and to add a program that provides financial assistance to lower-income residential property owners facing foreclosure. Stakeholders generally agreed that the City needs more resources to gather data about the rental market, provide education to tenants and housing providers, and explore grant programs for qualifying housing providers to address code enforcement issues.

A summary of public comment is as follows: opposition to the proposal because the Council needs facts and data; the tax is unfair and will increase rents; suggestions for a sunset date, additional exemptions from the tax, and Code enforcement; concerns regarding Council Member conflicts of interest and protection of confidential data.

City Attorney Subramanian advised that after analyzing potential conflicts of interest, she does not believe Council Member Tiedemann's employment is a conflict of interest. Mayor Miki may have a conflict of interest due to his ownership of property that may be subject to the proposed tax, if it is approved. An opinion from the Fair Political Practices Commission (FPPC) has been requested but not yet received.

City Manager Almaguer indicated the City retains a third party to facilitate the collection of business license taxes. The third party utilizes systems that secure data. Staff is exploring opportunities to audit the existing business license program, including rental providers who have not obtained a business license.

A summary of Council comment is as follows: existing programs assist property owners facing foreclosure; opposition to the proposal because it has not been fully considered; most of the tax revenue would return to rental providers in the form of tenant support; the Council has anecdotal evidence only to support the need for Code enforcement; approximately 700 rental providers have not obtained a business license; a proposal for tax rates of 0.36% for four or less units and 1.0% for five or more units; a suggestion to approve the Subcommittee's recommendations to ensure adequate funding for staffing and establishing programs; a preference to enforce the business license requirement or to increase the tax on short-term rentals; opposition to providing financial assistance to owner-occupied residences and to taxing security deposits.



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### MOTION:

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to direct staff to amend the proposed ballot measure language for a supplemental business license special tax to reflect: 1) tax rates of 0.36% for owners of four or less units and 1.0% for owners of five or more units; 2) financial assistance for rental providers to avert foreclosure; and 3) exclusion of security deposits from gross receipts subject to the tax.

AYES: Council Members Jordan and Tiedemann, Vice Mayor López

NOES: Council Member Hansen-Romero

RECUSED: Mayor Miki

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	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) General Assembly passed ABAG's budget and discussed resiliency. The Metropolitan Transportation Commission (MTC) approved placing a \$20 million bond measure for the Bay Area Housing Finance Authority (BAHFA) on the November 2024 ballot.

Vice Mayor López reported attending the UC Village Pride Festival and participating in a bocce ball event.

Council Member Hansen-Romero advised that the Alameda County Waste Management Authority (StopWaste) appointed officers and continues to work on food packaging waste.





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Mayor Miki reported attending *Bohème Out of the Box* and participating in the bocce ball tournament.

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

### 13. FUTURE AGENDA ITEMS

Vice Mayor López requested a discussion of a short-term rental tax.

Council Member Tiedemann requested an item to endorse the BAHFA bond measure.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

1. Independence Day – Thursday, July 4, 2024 (City Offices Closed)

#### Upcoming City Meetings

1. Racial Inclusivity & Social Equity Meeting, Tuesday, July 2, 7:00 PM, City Hall Council Chambers
2. Arts Committee Meeting, Monday, July 8, 7:00 PM, City Hall Council Chambers
3. Planning & Zoning Commission Meeting, Wednesday, July 10, 7:00 PM, City Hall Council Chambers
4. Parks, Recreation & Open Space Commission Meeting, Thursday, July 11, 7:00 PM, City Hall Council Chambers
5. City Council Meeting, Monday, July 15, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

9:42 PM There being no further business before the City Council, Mayor Miki adjourned the meeting with the crisis number for those suffering emotional distress.

Minutes submitted by Anne Hsu, City Clerk.

  
\_\_\_\_\_  
John Miki  
Mayor

Attest:

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