



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

Date approved: September 16, 2024

---

### **SPECIAL MEETING – CLOSED SESSION: 6:15 PM**

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

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

Absent: None

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

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

Agency Representatives: City Manager Nicole Almaguer

Employee Organization: Albany Peace Officers Association (APOA)

No public comment received.

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

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

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

Vice Mayor López 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 Tiedemann, Vice Mayor López, Mayor Miki

Absent: None

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

Mayor Miki announced no reportable action from Closed Session.

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

4-1. Proclamation – American Muslim Appreciation & Awareness Month

Council Member Tiedemann presented the proclamation to a member of Albany's Muslim community.

4-2. Proclamation – National Suicide Prevention Awareness Month

Mayor Miki presented the proclamation to Narges Dillon, Executive Director of Crisis Support Services of Alameda County.



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

---

### 5. CITY MANAGER REPORT

City Manager Nicole Almaguer reported information regarding the November 2024 election is available on the City's website ([albanyca.org/election](http://albanyca.org/election)). Mailing of vote-by-mail ballots to registered voters will begin on October 7, 2024. Two Concerts in the Park at Memorial Park have been well attended, and two more are scheduled for September 4 and 11, 2024. The San Pablo Avenue Pedestrian Improvements Project is underway. In light of Pedestrian Safety Month, the Albany Police Department (APD) has issued community notifications regarding pedestrian safety. The 48<sup>th</sup> Annual Solano Stroll will be held September 8, 2024 and include a parade, vendors, and entertainers. Nominations for the Chamber of Commerce's Best of Albany are open from August 20 to September 13, 2024. Coastal Cleanup Day at the Albany Bulb is scheduled for September 21, 2024, and the Albany Community Triathlon and Taste of Albany ([tasteofalbany.org](http://tasteofalbany.org)) are scheduled for September 22, 2024. Staff is recruiting a renter/tenant for the Housing Advisory Commission. The Albany Fire Department (AFD) will host its annual Pancake Breakfast and Open House on October 12, 2024. A City Council study session on the Golden Gate Fields property is tentatively scheduled for October 21, 2024.

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

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: encouragement for the public to provide comments regarding the AC (Alameda County) Transit Realign initiative on or before September 11, 2024 and 4 public hearing dates are scheduled in September; request to expand the notification area for major development projects; inquiry on the enforcement of the ban on the sale of flavored tobacco.

Council Member Jordan shared his response regarding expansion of the notification area for development projects.

### 7. CONSENT CALENDAR

#### 7-1. Minutes – July 15, 2024 & August 26, 2024

Staff Recommendation: Approve

#### 7-2. Ratification of Payroll –

1. Date Paid 6/28/2024: Net Amount \$481,849.28, Taxes/Benefits/Deductions \$520,696.00, Total Payroll \$1,002,545.28
2. Date Paid 7/12/2024: Net Amount \$452,372.39, Taxes/Benefits/Deductions \$477,264.33, Total Payroll \$929,636.72
3. Date Paid 7/26/2024: Net Amount \$506,188.62, Taxes/Benefits/Deductions \$534,014.84, Total Payroll \$1,040,203.46
4. Date Paid 8/9/2024: Net Amount \$479,341.76, Taxes/Benefits/Deductions \$493,816.67, Total Payroll \$973,158.43



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

- 
5. Date Paid 8/23/2024: Net Amount \$488,990.74, Taxes/Benefits/Deductions \$501,186.61, Total Payroll \$990,177.35

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 \$1,253,472.30 (7/12/2024), \$1,237,867.09 (7/19/2024), \$143,081.81 (7/26/2024), \$328,291.17 (7/30/2024), \$186,603.70 (8/2/2024), \$1,723,854.51 (8/9/2024), \$8,746.22 (8/9/2024), \$268,181.79 (8/16/2024), \$459,980.14 (8/23/2024)

Staff Recommendation: Ratify

- 7-4. Advisory Body Resignation:
- Katy Rose de Leon appointment by Council as a Whole resigned from the Housing Advisory Commission

Staff Recommendation: Information item

- 7-5. Advisory Body
- Samuel Beynon appointed by Vice Mayor López to the Arts Committee

Staff Recommendation: Information item

- 7-6. Lower Codornices Creek Restoration Phase IV Project (CIP No. 43001) – Contract No. C23-26 Closeout and Filing of Notice of Completion

Staff Recommendation: That Council adopt Resolution No. 2024-68, authorizing the City Manager to:

1. Accept the improvements completed in Contract No. C23-26; and
2. File the Notice of Completion with the County Recorder's Office

- 7-7. Fiscal Year 2024-25 Community Development Block Grant Project Agreement with Alameda County

Staff Recommendation: That the Council adopt Resolution No. 2024-69, authorizing the City Manager to enter into an agreement with Alameda County for the use of FY 2024-25 Community Development Block Grant funds in the amount of \$113,920 and COVID-CV (COVID supplemental) funding in the amount of \$250,000 and authorizing the appropriation of said funds to be reimbursed to the City for expenditures incurred

Mayor Miki asked if anyone wished to remove items from the consent calendar. Council Member Jordan removed Item 7-6.



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

---

Item 7-6: A summary of public comment is as follows: thanks for the City’s work on Codornices Creek.

A summary of Council comment is as follows: appreciation for the work and support of Friends of Five Creeks.

### **MOTION:**

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

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

NOES: None

Motion carried and so ordered.

## **8. PRESENTATION**

## **9. PUBLIC HEARING**

### **9-1. Sustainable Foodware Ordinance – First Reading**

Staff Recommendation: That the Council introduce and waive the first reading of Ordinance No. 2024-05, establishing a sustainable foodware ordinance

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The adoption of the proposed Ordinance relates to organizational or administrative activities of the City and will not result in direct or indirect physical changes in the environment, and therefore is not a “projects” within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

Community Development Analyst Michelle Plouse and CivicSpark Fellow Sutton Payne presented the staff report. Plastic items, particularly plastic foodware, are a major component of Albany’s waste stream. Climate Action and Adaptation Plan (CAAP) Goal 3.2.1 is to develop a sustainable foodware ordinance. State laws regulating waste have changed since the City adopted an ordinance in 2008.

The proposed Ordinance requires the use of reusable foodware or compliant disposable foodware for take-out dining and does not allow the use of foodware made of plastic, compostable plastic, or containing a plastic lining. The vendor may charge \$0.25 for a disposable cup and retain the funds. Staff will prepare an Albany Sustainable Foodware Program to provide information including a product exemption list, implementation guides, and other assistance materials. StopWaste’s Rethink Disposable and Reusable To-Go programs offer funding and technical assistance for reusable foodware and incentives for businesses. Enforcement of the Ordinance will begin 12 months after the Ordinance’s effective date.



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

---

Staff began work on the Ordinance in October 2023, conducted a foodware survey in January 2024 and business outreach in June 2024, and launched a pilot program in May 2024. The Climate Action Committee (CAC) provided direction to staff in April 2024 and voted to recommend the draft ordinance to the Council. The survey revealed an overuse of plastic, confusion regarding compostability, and concerns about product cost. The pilot program received customer approval of sustainable fiberware, demonstrated savings from the use of reusable and comparable fiberware products, and revealed products that are not feasible for specific food items.

In response to comments, staff proposes to exempt events from the Sustainable Foodware Ordinance and to allow the City Manager to create regulations for City facilities and City-permitted events.

A summary of public comment is as follows: support for the proposed Ordinance; and for inclusion of events.

A summary of Council comment is as follows: suggestions to include a Consumer Price Index (CPI) increase for the cup charge and to allow customers to provide reusable cups at businesses that accept them; a proposal to include language similar to “contingent upon funding and resources” in the exemption for events so that the Ordinance could apply to events in the future; appreciation for staff’s thoughtfulness and thoroughness.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Council Member Hansen-Romero, to 1) introduce and waive the first reading of Ordinance No. 2024-05, establishing a sustainable foodware ordinance with staff’s proposed amendments and 2) direct staff to explore adding language that applies the Ordinance to events in the future.

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

NOES: None

Motion carried and so ordered.

### **9-2. Amendments to Albany Municipal Code Chapter 20 Sections 20.08, 20.16, and 20.40 to Update Density Bonus Regulations and Related Housing Provisions – First Reading**

Planning & Zoning Commission and Staff Recommendation: That the Council introduce and waive the first reading of Ordinance No. 2024-06, repealing and replacing Section 20.40 “Housing Provisions” of the Albany Municipal Code and amending Sections 20.08 and 20.16 to update Density Bonus Regulations

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Consideration of the Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the State CEQA Guidelines because the scope of this Ordinance is limited to implementing



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

---

State law, and in itself does not authorize a discretionary activity that results in a physical change to the environment.

Planning Manager Leslie Mendez presented the staff report. The State Density Bonus Law incentivizes developers to include affordable units in housing development projects, the eligibility requirements, and requires affordable units to remain affordable for 55 years. Albany's Inclusionary Housing Ordinance requires units to remain affordable in perpetuity.

Since the City updated its Density Bonus Ordinance in July 2018, the State has amended the State Density Bonus Law annually. Consequently, the City's Density Bonus Law no longer complies with the State Density Bonus Law. The proposed amendments will bring the Density Bonus Ordinance into compliance with the State Density Bonus Law, streamline the density bonus approval process, and reorganize provisions for inclusionary housing and density bonus.

To accommodate ongoing revisions to the State Density Bonus Law, the proposed amendments refer to relevant sections of the State Code. In addition, the proposed amendments eliminate the requirement for Council approval of density bonuses, incentives, concessions, and affordable housing agreements; update terminology and definitions; and simplify administrative requirements and distribution and development of criteria for affordable housing.

A summary of Council comment is as follows: a preference not to reference State law, but it is appropriate in the Ordinance.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Mayor Miki, to introduce and waive the first reading of Ordinance No. 2024-06, repealing and replacing Section 20.40 "Housing Provisions" of the Albany Municipal Code and amending Sections 20.08 and 20.16 to update Density Bonus Regulations.

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

NOES: None

Motion carried and so ordered.

## **10. UNFINISHED BUSINESS**

## **11. NEW BUSINESS**

### **11-1. Designation of Voting Delegates and Alternates for the League of California Cities Annual Conference and Expo**

Staff Recommendation: That the Council designate a voting delegate and alternates for the League of California Cities General Assembly



**ALBANY CITY COUNCIL – MINUTES**

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

**MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to designate Mayor Miki as the voting delegate for the League of California Cities General Assembly.

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

NOES: None

Motion carried and so ordered.

**MOTION:**

Moved by Council Member Jordan, seconded by Council Member Tiedemann, to designate Council Member Tiedemann as alternate for the League of California Cities General Assembly.

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

NOES: None

Motion carried and so ordered.

**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 Members had no meetings to report.

**13. FUTURE AGENDA ITEMS**

Council Members made no requests for future agenda items.



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Tuesday, September 3, 2024

---

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

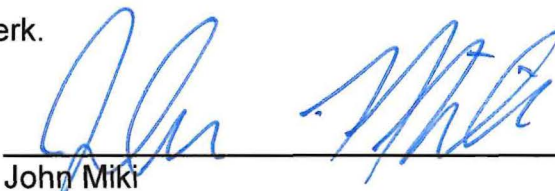
#### Upcoming City Meetings

1. Albany Murals Project (BART Pillars) Selection Panel Meeting, Wednesday, September 4, 1:00 PM, City Hall Council Chambers
2. Financial Advisory Committee Meeting, Wednesday, September 4, 7:00 PM, City Hall Council Chambers
3. Racial Inclusivity & Social Equity Commission Meeting, Thursday, September 5, 7:00 PM, City Hall Council Chambers
4. Arts Committee Meeting, Monday, September 9, 7:00 PM, City Hall Council Chambers
5. Planning & Zoning Commission Meeting, Wednesday, September 11, 7:00 PM, City Hall Council Chambers
6. Parks, Recreation & Open Space Commission Meeting, Thursday, September 12, 7:00 PM, City Hall Council Chambers
7. City Council Meeting, Monday, September 16, 7:00 PM, City Hall Council Chambers

### 15. ADJOURNMENT

9:21 PM There being no further business before the City Council, Mayor Miki adjourned the meeting with contact information for trained crises counselors.


Minutes submitted by Anne Hsu, City Clerk.



---

John Miki  
Mayor

Attest:



---

Anne Hsu, City Clerk