



## ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue

Albany, CA 94706

Monday, September 16, 2024

Date approved: October 7, 2024

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

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

Council Member Hansen-Romero 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**

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

##### **4-1. Proclamation – National Hispanic/Latin Heritage Month**

Vice Mayor López presented the proclamation to members of the Albany High School Conexión Latina.

##### **4-2. Proclamation – Albany Strollers & Rollers Day**

Council Member Tiedemann presented the proclamation to members of the Albany Strollers & Rollers.

##### **4-3. Proclamation – City of Albany 116<sup>th</sup> Anniversary of Incorporation**

Council Member Hansen-Romero presented the proclamation to the City of Albany.

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

City Manager Nicole Almaguer reported on September 11, 2024, Albany Fire and Police Departments responded to a fire on Albany Hill and extinguished it within 15 minutes. Albany Local Week will be celebrated September 22-28, 2024, with many events for the community. The Concerts in the Park series was a success with approximately 500 people attending each concert. Family Fall Into Fitness is an opportunity for the community to sample classes offered by the Recreation and Community Services Department. Parents' Night Out is scheduled for September 27, 2024, and November 15, 2024 at the Community Center. One-third of the rebates provided through the Heat Pump HVAC Rebate Program has benefited low- to moderate-income households. The City is recruiting a residential tenant to serve on the Housing Advisory Commission. The League of Women Voters will host a candidate forum on September 17, 2024. Coffee With a Cop will be held at the Community Center on October 2, 2024. The Albany Fire Department's Pancake Breakfast is scheduled for October 12, 2024.



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

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: inquiries regarding State law and notification distance for development projects; an inquiry on enforcement of the anti-graffiti law; a request for revision of the City's investment policy.

City Manager Almaguer advised that enforcing laws pertaining to graffiti and hate speech is an ongoing priority. Graffiti should be reported to the Public Works Department and hate speech to the Police Department. City staff is gathering information regarding the City's investment policy in order to seek Council direction.

City Attorney Mala Subramanian clarified that a response to a public records request that indicates no records may mean the City does not have records in its possession rather than the records do not exist.

### 7. CONSENT CALENDAR

#### 7-1. Minutes – September 3, 2024

Staff Recommendation: Approve

#### 7-2. Ratification of Payroll – Date Paid 9/6/2024: Net Amount \$421,263.92, Taxes/Benefits/Deductions \$458,793.42, Total Payroll \$880,057.34

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 \$330,173.53 (8/30/2024), \$177,151.88 (9/6/2024)

Staff Recommendation: Ratify

#### 7-4. Advisory Body Resignation:

- Melanie Guan appointment by Council Member Jordan resigned from the Arts Committee

Staff Recommendation: Information item

#### 7-5. Memorandum of Understanding (MOU) between the City of Albany and Albany Police Officers' Association (APOA)

Staff Recommendation: That Council adopt Resolution No. 2024-70, approving the MOU between the City of Albany and the APOA



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### 7-6. Sustainable Foodware Ordinance – Second Reading

Staff Recommendation: That the Council adopt Ordinance No. 2024-05, adding Section 5-26 Sustainable Foodware to the Albany Municipal Code, regulating foodware programs and practices for dine-in and take-out restaurants in Albany – Second Reading, Pass-to-Print

#### 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 “project” within the meaning of the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines, section 15378(b)(5).

### 7-7. Amendments to Chapter 20 of the Albany Municipal Code Sections 20.08, 20.16, and 20.40 to Update Density Bonus Regulations and Related Housing Provisions – Second Reading

Staff Recommendation: That the Council adopt Ordinance No. 2024-06, amending Chapter 20 of the Albany Municipal Code, Sections 20.08, 20.16, and 20.40 to update Density Bonus Regulations and related Housing Provisions – Second Reading, Pass-to-Print

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

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

#### **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



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## 8-1. Fical Year 2023/24 Fourth Quarter/Unaudited Year-End Budget Review

Interim Finance Director Reina Schwartz presented the staff report. Revenues are currently \$1.7 million more than budgeted, and expenses are about 2.3% less than budgeted. Staff anticipates a budget surplus of slightly more than \$1 million for Fiscal Year (FY) 2023-24. Financial numbers will change as adjustments occur during the annual audit, which will begin October 7, 2024.

Property tax revenues received is as budgeted, while sales and use tax revenues received are a bit more than budgeted due to one month of FY 2022-23 sales tax revenues being received in FY 2023-24. Staff projects sales tax revenues will decline in FY 2024-25 because of the economy and the closures of Golden Gate Fields. Franchise and other taxes exceeded the budget. Other revenue includes funding from the agreement with UC Berkeley. As reported previously, staff is completing transfers in from special revenues quarterly.

Department expenses generally are 2%-10% below budget; however, two departments incurred administrative expenses beyond their control. Salary and benefits expenses and other expenses are 2%-2.5% less than budgeted.

A summary of Council comment is as follows: appreciation for the Finance Department’s conservative approach to budgeting and staff’s ability to address unexpected expenses.

## 9. PUBLIC HEARING

## 10. UNFINISHED BUSINESS

## 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	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



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Police & Fire Pension Fund Board	Miki	Tiedemann
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

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

Council Member Hansen-Romero reported StopWaste shared its cafeteria waste diversion presentation with Albany schools.

Council Member Jordan reported that the Alameda County Transportation Commission (ACTC) shared a preview of its planning goals for the transportation plan, which will include sidewalks.

Vice Mayor López indicated a meeting of the Rausser College of Natural Resources Dean’s Advisory Committee on the Gill Tract (DAC) is scheduled for late September.

Council Member Tiedemann stated the Association of Bay Area Governments’ (ABAG) Legislative Committee recommended support for Propositions 4 and 5. The Ava Board of Directors’ Executive Committee discussed resilience activities.

Mayor Miki reported the Alameda County Mayors’ Conference received presentations regarding Propositions 4 and 5 and a new air taxi service.

### 13. FUTURE AGENDA ITEMS

Council Members did not request any future items.

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

#### Upcoming City Meetings

1. Climate Action Committee Meeting, Wednesday, September 18, 7:00 PM, City Hall Council Chambers
2. Policing Commission Meeting, Thursday, September 19, 7:00 PM, City Hall Council Chambers
3. Transportation Commission Meeting, Thursday, September 26, 7:00 PM, City Hall Council Chambers
4. Racial Inclusivity & Social Equity Commission Meeting, Tuesday, October 1, 7:00 PM, City Hall Council Chambers
5. Financial Advisory Committee Meeting, Wednesday, October 2, 7:00 PM, City Hall Council Chambers
6. City Council Meeting, Monday, October 7, 7:00 PM, City Hall Council Chambers



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### 15. ADJOURNMENT

8:44 PM There being no further business before the City Council, Mayor Miki adjourned the meeting with a message regarding trained crisis counselors.

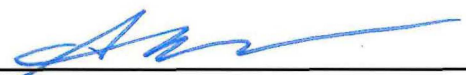
Minutes submitted by Anne Hsu, City Clerk.



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John Miki  
Mayor

Attest:



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Anne Hsu, City Clerk