



ALBANY CITY COUNCIL – MINUTES

1000 San Pablo Avenue
Albany, CA 94706
Monday, October 21, 2024

SPECIAL MEETING – OPEN SESSION: 6:00 PM

1. CALL TO ORDER/ROLL CALL

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

Absent: None

2. STUDY SESSION

2-1. Study Session on Status of Golden Gate Fields

Staff Recommendation: That the Council provide initial feedback on any potential next steps for City initiation

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Not applicable at this time. Any future changes to city land use regulations of the Golden Gate Fields property instigated by the City will require environmental review pursuant to the requirements of the California Environmental Quality Act.

Planning Manager Leslie Mendez presented the staff report. Golden Gate Fields parcels are located in both the City of Albany and the City of Berkeley. The parcels located in the City of Albany consist of the track, grandstands, and parking lot. The general area was home to the Ohlone people and may likely contain archeological resources and/or be classified as a cultural resource.

The site has a general land use designation of Commercial Recreation and a zoning designation of Waterfront, which conditionally allows limited uses such as park and recreational facilities, utilities, bars and restaurants, commercial recreation and entertainment, marinas and boat-launching ramps, non-residential parking facilities, waterfront sports, and waterfront-sports-related commercial sales and services.

Measure C, passed in 1990, requires any zoning or General Plan amendment be approved by a majority of voters through a ballot measure. In 1994, voters approved a ballot measure allowing a gaming card room at Golden Gate Fields. However, a court invalidated the measure for failure to comply with CEQA requirements.

Between 2001 and 2006, three development schemes were discussed but were withdrawn or never formally submitted. In 2008, the City undertook extensive community engagement to determine the community's vision for Albany's waterfront including Albany's portion of Golden Gate Fields. The consensus concept provided for development of 26% of the site, potential uses such as hotels, restaurants, bars, conference center, retail, and various public amenities, and 75 acres of open space. The City Council accepted the final report but did not adopt it as a City policy because of Measure C. In 2011, the Lawrence Berkely National Lab (LBNL) considered Golden Gate Fields for a large-scale second campus but ultimately canceled the project.



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Challenges to future uses of the site include a larger corridor for Codornices Creek to accommodate ecological restoration and flood-control improvements. The City of Albany, Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife have regulatory authority over Codornices Creek. Sea level rise may begin to significantly impact the property at 36 inches of rise. The only area predicted not to be impacted is the area encompassing the grandstands and westward toward Fleming Point, the original island.

The existing sewer and storm drain infrastructure is old and limitedly dispersed. All underground infrastructure will need to be upgraded or realigned and replaced. The site is essentially cut off from the City by I-80/I-580 with access from Gilman Street in Berkeley and Buchanan Street in Albany. Both routes have pedestrian pathways to the site, but both require crossing freeway onramps and offramps. The site is not serviced by public transit.

Any future development or re-use of the site can be pursued separately in the City of Albany or the City of Berkeley. Due to the site history, current status, and site constraints, any property owner, developer, and both Cities would be best served by working collaboratively for maximum efficacy and public benefit. Any physical changes to the property will require coordination with both Cities and a number of government agencies and utilities. East Bay Parks is important as a potential long-term partner in the development and operation of open space.

While operating, Golden Gate Fields generated approximately \$500,000 in annual revenue for the City's General Fund and \$1 million for Special Revenues and approximately \$700,000 annually for Albany United School District (AUSD). Staff anticipate a decline of \$200,000 in sales/wagering tax revenue for Fiscal Year (FY) 2024/25. Franchise and utility user taxes will decline as the use of utilities declines. The impact on public safety services is unknown. If the future ownership of Golden Gate Fields is a non-taxable entity, revenue to the City and AUSD will remain low. Revenues and service costs of various land uses can vary significantly.

No significant re-development proposal has been presented to City staff since the closure was announced. Several pathways for future development could occur, and all pathways are expected to involve community engagement, interagency coordination, environmental analysis, identification of funding sources for City and AUSD services, and infrastructure and open space improvements. If the property is sold to a public agency, most of the processes and decision-making would fall outside the City's purview. Use of the site subject to the agency's purview would not be subject to a ballot measure, and community input would likely be minimal. A private entity could submit a ballot measure for re-use, and community input would be minimal. A private entity could submit an application to the City, and community engagement would be greater. However, the City and the community would be reacting to rather than creating a proposal.



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Proactively, the City could lead a comprehensive planning initiative to guide future redevelopment, such as an update of the Waterfront Element of the General Plan. The community would be tasked with envisioning General Plan and re-zoning amendments to adopt policies and standards for future development, to modernize open space requirements, and incorporate sea level rise and wetland protection measures. To do this, the voters must approve a ballot measure. Most expedient would be a ballot measure to return zoning and General Plan amendment authority to the City Council, similar to Measure N1 (2016).

A summary of public comment is as follows: Golden Gate Fields is not suitable for housing; suggestions for incorporating the site into Eastshore State Park, a victims' resource center, housing; inquiries regarding the City's ability to place a ballot measure on a special election, exact City revenue from Golden Gate Fields, the cost of the 2008 visioning, funds paid to AUSD; there is a bicycle/pedestrian underpass at the freeway onramp.

City Attorney Mala Subramanian advised that placing a ballot measure on a special election is possible.

City Manager Nicole Almaguer reported the \$700,000 amount for AUSD was taken from the FY 2023/24 parcel tax bills.

Mayor Miki noted the underpass at Buchanan Street is good, but pedestrians and bicyclists have to cross a freeway offramp.

A summary of Council comment is as follows: the total cost for the 2008 visioning effort was approximately \$1 million; a preference not to conduct a new planning effort; returning zoning and General Plan amendment authority to the Council could be beneficial for finding a development partner; housing may be possible with wetland screening; a suggestion for community engagement that does not lead to policy; a recreational complex may be a logical choice.

3. ADJOURNMENT OF SPECIAL MEETING – OPEN SESSION

REGULAR MEETING: 7:43 PM

1. CALL TO ORDER / LAND ACKNOWLEDGEMENT

Council Member 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, Jordan and Tiedemann, Vice Mayor López, Mayor Miki

Absent: None



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3. **REPORT ON ACTION TAKEN IN CLOSED SESSION, IF ANY**
4. **CEREMONIAL MATTERS**
5. **CITY MANAGER REPORT**

City Manager Almaguer reported an open house kicking off the Active Transportation Plan (ATP) is scheduled for October 24, 2024. A webpage for the ATP (bit.ly/albanyatp) is under development and will be updated often. Ball fields and lawns at Memorial and Ocean View Parks will be closed for annual winter maintenance beginning on November 4, 2024. The dog park will remain open as weather permits. The Voter Information Guide is available on the City, State, and Alameda County websites at albanyca.org/vote, registertovote.ca.gov, and acvote.org. Vote-by-mail ballots may be deposited in the drop box behind City Hall. The Albany Fire Department (AFD) served more than 850 breakfasts at the annual Pancake Breakfast and Open House. The City provided 810 bags of free compost.

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

Mayor Miki opened the Good of the City.

A summary of public comment is as follows: support for basing the noticing distance for planning projects on size; the language of a ballot measure may not be overtly partisan; the cost per unit of the City's new affordable housing complex is too high; a suggestion to explore increasing the short-term rental tax.

A summary of Council comment is as follows: Government Code § 65008 prohibits cities from discriminating against projects based on size; Bay Area Affordable Housing Pipeline May 2024 indicates the cost per unit of the City's affordable housing project is about average for the region.

7. **CONSENT CALENDAR**

- 7-1. Minutes – October 7, 2024

Staff Recommendation: Approve

- 7-2. Ratification of Payroll – Date Paid 10/04/2023: Net Amount \$454,767.91, Taxes/Benefits/Deductions \$472,940.79, Total Payroll \$927,708.70

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 \$115,839.38 (10/4/2024), \$1,842,836.88 (10/11/2024)



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Staff Recommendation: Ratify

- 7-4.** Pierce Street Path Segment II – Phase 2 (Cleveland Avenue Bikeway)
Authorization to Submit Application to the Alameda County Transportation Commission (Alameda City Council) 2026 Comprehensive Investment Plan Call for Projects

Transportation Commission Recommendation: That the Council authorize the City Manager to submit a grant application for the Pierce Cleveland Bikeway Connection Project to the Alameda City Council 2026 Comprehensive Investment Plan (2026 CIP) Call for Projects and enter into a funding agreement with the Alameda City Council upon award of grant

Staff Recommendation: That the Council adopt Resolution 2024-74, authorizing the City Manager to submit a grant application for the Cleveland Avenue Bikeway Project to the Alameda City Council 2026 Comprehensive Investment Plan (2026 CIP) Call for Projects and enter into a funding agreement with Alameda City Council upon award of grant, and authorize grant funds awarded for expenditure on the project

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Cleveland Avenue Bikeway Project, a phase of the Pierce Street Path Segment II, is categorically exempt from CEQA pursuant to Section 15301 “Existing Facilities” and Section 15333 “Minor Alterations to Land” of the CEQA Guidelines, which exempts the operation, repair, maintenance, or minor alteration of existing public facilities, involving negligible or no expansion of existing use.

Mayor Miki asked if anyone wished to remove items from the consent calendar. Members of the public removed Items 7-3 and 7-4.

Item 7-4: Transportation & Sustainability Manager Justin Fried explained that the grant amount is \$515,000.

A summary of public comment is as follows: support for resolution of the Albany Hill Cross lawsuit; a question regarding the grant application.

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

NOES: None

Motion carried and so ordered.

8. PRESENTATION



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9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Energy Efficiency and Conservation Block Grant Award for Gas Line Decommissioning Pilot Project and Outreach Consultant Contract

Staff Recommendation: That City Council:

1. Adopt Resolution No. 2024-75, authorizing the City Manager to acknowledge the terms and conditions of the Energy Efficiency and Conservation Block Grant competitive award for the Gas Line Decommissioning Pilot Project, and
2. Adopt Resolution No. 2024-76, authorizing the City Manager to execute Contract No. C24-54 with Environmental Justice Solutions for professional services for the gas line decommissioning pilot project outreach

Community Development Analyst Michelle Plouse presented the staff report. The goal of the pilot project is to decommission a section of gas pipeline and electrify all the connected buildings. Staff have selected 12 possible sites and will work with the community to obtain 100% of owners' agreement to electrify. In October 2023, the City was awarded a \$200,000 Energy Efficiency and Conservation Block Grant (EECBG) from the U.S. Department of Energy (DOE). In May 2024, the Council's discussion focused site prioritization on equity, learning from the project, multifamily buildings, and renters.

Staff released a Request for Qualifications (RFQ) for a community engagement consultant and received four responses. The selection committee followed a rigorous selection process and found the best choice is Environmental Justice Solutions (EJ Solutions). EJ Solutions will plan and conduct outreach, prepare for electrification assessments, and prepare reporting.

A summary of public comment is as follows: an inquiry regarding the 12 sites selected.

Community Development Analyst Plouse clarified the list of sites has not been published to the public because of a nondisclosure agreement, privacy concerns, and state laws.

MOTION:

Moved by Council Member Tiedemann, seconded by Council Member Jordan, to 1) adopt Resolution No. 2024-75, authorizing the City Manager to acknowledge the terms and conditions of the Energy Efficiency and Conservation Block Grant competitive award for the Gas Line Decommissioning Pilot Project, and 2) adopt Resolution No. 2024-76, authorizing the City Manager to execute Contract No. C24-54 with Environmental Justice Solutions for professional services for the gas line decommissioning pilot project outreach.

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

NOES: None

Motion carried and so ordered.



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

Council Member Jordan attended the Alameda County Transportation Commission (Alameda CTC) Planning, Policy and Legislation Committee meeting, which reviewed the Countywide Transportation Plan Policy Blueprint.

Vice Mayor López reported attending the Alameda County Mosquito Abatement District (ACMAD) meeting and the Pancake Breakfast.

Council Member Tiedemann indicated his attendance at the Association of Bay Area Governments (ABAG) meeting where they received a report regarding regional housing technical assistance. Community Development Director Jeff Bond served on the evaluation team for the project.

Mayor Miki attended the Alameda County Mayors' Conference and learned about the City of Berkeley's Homelessness Task Force Policy Guidance and East Bay Parks' wildfire mitigation efforts. He also attended the League of California Cities (League) Annual Conference. A motion to change League policy in order to hold State legislators to the same rules as local officials passed but must be ratified by the Board of Directors. In addition, Mayor Miki attended the Pancake Breakfast.



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

Mayor Miki noted the report has been posted to the City website.

13. FUTURE AGENDA ITEMS

Mayor Miki requested a comparison of the City's short-term rental tax with neighboring communities of similar size.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Meetings

1. Police & Fire Pension Board Meeting, Tuesday, October 22, 3:00 PM, City Hall Council Chambers
2. Housing Advisory Commission Meeting, Wednesday, October 23, 7:00 PM, City Hall Council Chambers
3. City Council Meeting, Monday, November 4, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

8:50 PM There being no further business before the City Council, Mayor Miki adjourned the meeting with the number for a trained crisis specialist.

Minutes submitted by Anne Hsu, City Clerk.

John Miki
Mayor

Attest:

Anne Hsu, City Clerk