



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

SPECIAL & REGULAR MEETING AGENDA AMENDED

TUESDAY, FEBRUARY 18, 2020

6:00 PM Special Meeting

7:30 PM Regular Meeting

We, the members of the Albany City Council would like to reaffirm that we welcome and value all of our diverse community members regardless of where they are from, who they love, how they worship, how they look, their gender identity, their abilities, their economic status, or how they vote. We honor the Native people who were the original stewards of this land.

We invite the entire Albany community to join with us in creating a safe and welcoming city; one in which we celebrate our differences and learn from each other; one in which we are proud to raise our children.

“Diversity is not about how we differ. Diversity is about embracing one another's uniqueness”.
~ Ola Joseph

SPECIAL MEETING - CLOSED SESSION: 6:00 PM

1. CALL TO ORDER

2. OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

City Council convenes in the Council Chambers and then adjourns to Closed Session to discuss the following:

- 2-1.** Conference with Legal Counsel – Existing Litigation
Government Code section 54956.9 (d)(1)

Name of Case: Saraswati v. City of Albany et al. (U.S. District Court, Northern District of California; Case No. 3:17-CV-04940-MMC

- 2-2.** Conference with Legal Counsel – Anticipated Litigation
Government Code section 54956.9(d)(2) (1 case)

3. ADJOURNMENT OF CLOSED SESSION



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

REGULAR MEETING: 7:30 PM

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. CEREMONIAL MATTERS

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

5. CONSENT CALENDAR

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion. By approval of the Consent Calendar, the staff recommendations will be adopted unless otherwise modified by the City Council. There will be no separate discussion on these items unless a Council Member or a member of the audience requests removal of the items from the Consent Calendar.

5-1. Minutes, February 3, 2020

Staff recommendation: Approve

5-2. Ratification of Payroll - Payroll Period: 1/31/2020; Net Payroll: \$485,188.00; Taxes, Benefits, Withholdings: \$250,570.14; Total: \$562,362.08

Staff recommendation: Ratify

5-3. Ratification of Bills, Claims and Demands - Ratification of bills, claims and demands against the City of Albany in the amount of: \$169,104.37 (1/31/2020), \$163,804.62 (2/7/2020)

Staff recommendation: Ratify

5-4. Letters of Support for SB 54 and AB 1080

Mayor Pilch recommendation: that the Council note and file the letters as submitted.

5-5. 2020 Tree Planting – Authorization to Execute Commercial Tree Care Company Contract No. C20-41 for \$31,808

Staff recommendation: that the Council adopt Resolution No. 2020-20 to authorize the City Manager to execute Contract No. C20-41 with Commercial Tree Care Company in a not-to-exceed contract of \$31,808 to procure and plant new trees in accordance with City tree planting guidelines using LLAD 88-1 funds appropriated as part of the FY19-20 Public Works operating budget

5-6. Marin Avenue Tree Pruning – Authorization to Execute Commercial Tree Care Company Contract No. C20-40 for \$26,460



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

Staff recommendation: that the Council adopt Resolution No. 2020-19 to authorize the City Manager to execute Contract No. C20-40 with Commercial Tree Care Company in a not-to-exceed contract of \$26,460 to complete the required pruning along Marin Avenue using LLAD 88-1 funds appropriated as part of the FY19-20 Public Works operating budget

5-7. Resolution Authorizing the Commitment of A1 Base City Allocation Funds to Satellite Affordable Housing Associates

Staff recommendation: that the Council adopt Resolution No. 2020-18 authorizing the commitment of Alameda County Measure A1 Base City Allocation for development of the 62-unit affordable housing project located at 755 Cleveland Avenue

5-8. Fiscal Year 2020-21 Community Development Block Grant Project Applications and Agreement with Alameda County

Staff recommendation: that the Council adopt Resolution No. 2020-21 authorizing:

1. The submission of FY 2019-20 Community Development Block Grant project applications to Alameda County
2. The City Manager to enter into an Agreement with Alameda County for the use of FY 2020-21 Community Development Block Grant funds

5-9. Alameda County Mayors Letter on Public Safety Power Shutoff Legislation

Mayor Pilch recommendation: that the Council approve to add City of Albany to the list of cities signing on to Berkeley Mayor Jesse Arreguin's letter on support for bills regulating Public Safety Power Shutoff events. The resolution referenced in the email is not proposed at this time.

6. GOOD OF THE CITY/PUBLIC COMMENT

For persons desiring to address the City Council on an item that is not on the agenda. Please note that City policy limits each speaker up to three (3) minutes. The Mayor may reduce the time limit per speaker depending on the number of speakers. The Brown Act limits the Council's ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

All persons wishing to speak on an item on the agenda are to fill out speaker cards and provide to the City Clerk. Comments related to items appearing on the agenda are taken up at the time the City Council deliberates each action item. The Mayor will announce when the period for public comment is open on each agenda item.

7. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

Council Subcommittees report, if they have met, and Council Members provide reports on any local, state or regional government meetings at which they have represented the City of Albany. Council members may provide reports on any meetings and/or community events and activities they have attended or plan to attend that they believe may be of interest to the Council, staff, or public. The Mayor may invite citizens who represent Albany at such meetings to report as well.

Council Members are encouraged to provide staff with links and/or a written report of meetings attended in advance of the posting of the Council agenda to include with the agenda materials. The Council shall have the authority to take action regarding any agendaized written recommendations provided under this agenda category as needed.

7-1. City Council Subcommittees:

Council Subcommittees	Subcommittee Members	Last Report Date
Albany Waterfront Park (Albany Bulb)	McQuaid & Nason	12/02/2019
Alta Bates Hospital	Pilch & McQuaid	11/18/2019
Cannabis Ordinance	Pilch & Maass	
Community Inclusivity	Pilch & McQuaid	10/21/2019
San Pablo Avenue Corridor Project	Pilch & Nason	10/07/2019
Youth Engagement	McQuaid & Maass	01/21/2020

7-2. City Council Appointed Representation of Albany:

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Pilch	McQuaid
Alameda County Transportation Commission	Pilch	Nason
Alameda County Waste Management Authority	Pilch	Maass
Association of Bay Area Government	Maass	Barnes
East Bay Community Energy JPA Board	Pilch	McQuaid
East Bay Sports Field Recreational Authority JPA	Maass	Barnes
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Barnes
Alameda County Library Advisory Commission	Amy Apel	Sarah Levin
Berkeley/Albany Mental Health Board	Erlinda Castro &	(Vacant)
City/AUSD/UC - 2X2X2	Pilch	McQuaid
Police & Fire Pension Fund Board	Pilch	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	Margaret Patterson	N/A

7-3. City Council Meetings and Events



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

8. CITY MANAGER REPORT

The City Manager provides verbal and/or written reports regarding matters of interest to the Council.

9. PRESENTATION

9-1. Public Bank Presentation

Mayor Pilch recommendation: for information only

9-2. Quarterly Financial Update

Staff recommendation: for information purposes only

10. PUBLIC HEARING

10-1. PA 18-037 Application for a New Townhouse Project at Northwest Corner of Portland & Kains Avenue (634 Kains Avenue)

Planning & Zoning Commission recommendation: that the Council adopt Resolution No. 2020-17 approving the project entitlements for the Portland & Kains Townhouse project. The Planning & Zoning Commission adopted the following resolutions:

1. The Planning & Zoning Commission adopted P&Z Resolution No. 2019-08 on September 11, 2019 forwarding a recommendation to the City Council to approve the Density Bonus and Design Review requests
2. The Planning & Zoning Commission adopted P&Z Resolution No. 2019-13 on December 11, 2019, forwarding a recommendation to the City Council to approve the Commercial Parking Reduction for the adjacent restaurant use and Tentative Map requests

Staff recommendation: that the Council review the project and adopt Resolution No. 2020-17 approving the project entitlements for the Portland & Kains Townhouse project.

10-2. Proposed Repeal and Replacement of Chapter 20.32 "Signs" of the Albany Municipal Code - First Reading

Planning & Zoning Commission recommendation: that the Council introduce for first reading Ordinance No. 2020-01 repealing and replacing Chapter 20.32 "Signs" of the Albany Municipal Code. The Planning & Zoning Commission adopted the following resolutions:

1. Planning & Zoning Resolution No. 2019-07 a Resolution of Intention to initiate Code amendments to Chapter 20.32 "Signs" of the Albany Municipal Code on April 24, 2019



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

2. Planning & Zoning Resolution No. 2019-11 forwarding a recommendation to the City Council to adopt Chapter 20.32 “Signs” of the Albany Municipal Code on November 13, 2019

Staff recommendation: that the Council introduce for first reading Ordinance No. 2020-01 repealing and replacing Chapter 20.32 “Signs” of the Albany Municipal Code

11. UNFINISHED BUSINESS

12. NEW BUSINESS

- 12-1. Inclusivity and Diversity Resolution Proposed by the Social & Economic Justice Commission

Social & Economic Justice Commission recommendation: that the Council:

1. Provide direction to staff on the preparation of an annual Diversity Report on the City website that provides an easily accessible way for interested parties to examine the Equal Employment Opportunity data that the City has already compiled, and to update the Diversity Report each time the City collects EEO data on its workforce composition
2. Provide direction to staff to add questions about demographic categories to the City's composition of boards and commissions

Staff recommendation: that the Council provide direction to staff on the Social & Economic Justice Commission's proposed Inclusivity and Diversity Resolution

13. FUTURE AGENDA ITEMS

Council Members and City Manager note upcoming agenda items that may be of interest to the Council, staff, or public. Council Members may request that items be placed on a future agenda. No public comment will be taken on future agenda items.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

No public comment will be taken on announcement of future City meetings and events.

14-1. Upcoming City Events

- A. Bollywood Dance Party, Friday, February 28, 7:00 PM – 9:00 PM, Albany Community Center

14-2. Upcoming City Meetings

- A. Climate Action Committee Meeting, Wednesday, February 19, 7:30 PM, City Hall Council Chambers



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

- B. Planning & Zoning Commission Meeting, Wednesday, February 26, 7:00 PM, City Hall Council Chambers
- C. Traffic & Safety Commission Meeting, Thursday, February 27, 7:00 PM, City Hall Council Chambers

15. ADJOURNMENT

Per City Council Resolution No. 09-1, no Council meeting shall continue past 10:30 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 10:30 p.m. shall include a list of specific agenda items to be covered. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular meeting or by a two-thirds majority vote of the Council to an adjourned regular meeting.

The Council agenda is posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: www.albanyca.org. Supporting documents and any public comments received will be made available for public inspection at City Hall. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk's Office at 1 + (510) 528-5710 or cityclerk@albanyca.org.

Council and Commission meetings are broadcast live on KALB and streamed live on the City website and YouTube. Audio recordings of Committee meetings will be uploaded to the City website and YouTube within one week of each public meeting. Archives of past City meetings are available on the City website and YouTube. Please note that if you provide your name and address when speaking before the City Council it will become part of the official public record, which will be posted on the Internet and broadcast on KALB.

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.

NOTICE

Pursuant to Government Code Section 65009, if you challenge a decision of the City Council in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

The decision of the City Council is final as of the date of its decision unless judicial review is initiated pursuant to California Code of Civil Procedure Section 1094.5. Any such petition for judicial review is subject to the provisions of California Code of Civil Procedure 1094.6.

In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 1 + (510) 528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide



ALBANY CITY COUNCIL

City Hall Council Chambers
1000 San Pablo Avenue, Albany, CA

written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: cityclerk@albanyca.org or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.