



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

SPECIAL & REGULAR MEETING AGENDA

TUESDAY, FEBRUARY 16, 2021

6:00 PM Special Meeting

7:30 PM Regular Meeting

COVID-19 NOTICE – PUBLIC MEETING GUIDELINES

Consistent with Executive Orders No. N-29-20 from the Executive Department of the State of California and the Alameda County Health Officer's Shelter in Place Order effective March 17, 2020, the City Hall will not be open to the public and the City Council will be participating in City Council meetings via phone/video conferencing. The public is invited to watch and submit comments via the methods below:

How to watch the meeting from home:

1. Meetings are streamed live and recorded on [YouTube](http://www.YouTube.com/AlbanyKALB) (www.YouTube.com/AlbanyKALB)
2. To listen to the meeting by phone, please call at the noticed meeting time 1 (669) 900-9128, then enter Webinar ID 979 7011 4482, follow by "#". When asked for a participant id or code, press "#". Instructions on how to join a meeting by phone are available at <https://support.zoom.us/hc/en-us/articles/201362663>
3. To observe the meeting by video conference, please go to <https://zoom.us/s/97970114482> at the noticed meeting time. Instructions on how to join a meeting by video conference is available at <https://support.zoom.us/hc/en-us/articles/201362193%20>
4. Recorded meetings will be available for viewing on City Website within 48 hours after the meeting. <https://www.albanyca.org/recreation/kalb-community-media/city-video-public-meetings> or YouTube (www.YouTube.com/AlbanyKALB)

How to submit Public Comment:

1. Members of the public may submit comments in writing by emailing the City Council citycouncil@albanyca.org with the Agenda item number clearly identified in the subject line of the email or by mail to City of Albany – Meeting Comments, 1000 San Pablo Avenue, Albany, CA 94706. All written comments received by 5 PM on the day of the meeting will be provided to the City Council and posted on the website. Other written comments received after 5 PM that address an item on the agenda will still be provided to the City Council and be included as part of the meeting record.
 2. To comment by video conference, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will then be re-muted. Instructions of how to "Raise Your Hand" is available at <https://support.zoom.us/hc/en-us/articles/205566129%0D-Raise-Hand-In-Webinar>
 3. To comment by phone, you will be prompted to "Raise Your Hand" by pressing "*9" to request to speak when public comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. You will be re-muted after the allotted time.
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SPECIAL MEETING: 6:00 PM

1. CALL TO ORDER/ROLL CALL

2. CLOSED SESSION

OPPORTUNITY FOR THE PUBLIC TO SPEAK ON CLOSED SESSION ITEMS

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

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

3. ADJOURNMENT OF SPECIAL MEETING

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 1, 2021

Staff recommendation: Approve

- 5-2.** Ratification of Payroll – Date Paid: 1/29/21, Net Amount: \$306,270.57,
Withholding, Deductions: \$338,098.55, Gross Payroll: \$644,369.12

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 \$87,156.20 (1/29/21), \$89,086.03 (2/5/21)



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Staff recommendation: Ratify

5-4. 2021-2022 Advisory Bodies Appointments

Charter Review Committee - Lisa Schneider (McQuaid)
Community Media Access Committee – Ross Stapleton-Gray (Jordan)
Economic Development Committee – Robert Cheasty (Jordan)
Financial Advisory Committee – Francesco Papalia (Nason)

Staff Recommendation: Information Only

5-5. City Council Appointments to Community Task Force on Policing

Staff Recommendation: that the Council ratify the recommendation to appoint twelve (12) community members to the Community Task Force on Policing as submitted by the Subcommittee to Review Applications for Community Task Force on Policing

5-6. Ordinance No. 2021-01 Second Reading to Consider Amending Section 20.100 “Procedures” of the Albany Municipal Code

Staff recommendation: that the Council adopt Ordinance No. 2021-01, amending Section 20.100 “Procedures” of the Albany Municipal Code – Second Reading, Pass-to-Print

5-7. On-Call Services Contract with Urban Planning Partners

Staff recommendation: that the Council adopt Resolution No. 2021-11, authorizing the City Manager to execute Contract No. C21-23 for on-call professional services with Urban Planning Partners, in an amount not to exceed \$100,000

5-8. Police Fleet Vehicle Purchase

Staff recommendation: that the Council adopt Resolution No. 2021-12, authorizing the purchase and outfitting of two 2021 Hybrid Ford Police Utility patrol vehicles utilizing police reserve equipment funds and COPS funds, at a total purchase and outfitting cost not to exceed \$125,000.000 for both vehicles

5-9. Resolution No. 2021-13, Removing the Recital of the Pledge of Allegiance from City Meetings, Changing the City Council Regular Agenda Order and the Start Time for Regular City Council Meetings

Staff recommendation: that the Council adopt Resolution No. 2021-13, removing the recital of the Pledge of Allegiance from City meetings, changing the order of the City Council agenda, and setting the start time for the regular meetings of the City Council at 7:00 p.m.



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

- 5-10.** CIP No. 25007 Masonic Intersections (Ohlone Trail Safety Improvements): Award of Contract No. C21-25 for Environmental Support Services

Staff recommendation: that the Council adopt Resolution No. 2021-15 authorizing the City Manager to execute Contract No. C21-25 with Ninyo & Moore Geotechnical & Environmental Sciences Consultants, Inc. in the not-to-exceed amount of \$30,200 for environmental support services, using previously appropriated funds for the Masonic Intersections (Ohlone Trail Safety Improvements) Project (CIP No. 25007)

- 5-11.** CIP No. 32000 – Call for Bids for 2020 Sanitary Sewer Rehabilitation Project – Phase C (Contract No. C21-22)

Staff recommendation: that the Council adopt Resolution No. 2021-14 authorizing the City Manager to approve a Call for Bids for the 2020 Sanitary Sewer Rehabilitation Project – Phase C, Contract No. C21-22

- 5-12.** Dissolving Council Subcommittees – Albany Waterfront Park Subcommittee and San Pablo Avenue Corridor Project Subcommittee

Staff recommendation: that the Council dissolve the Albany Waterfront Park subcommittee and the San Pablo Avenue Corridor Project subcommittee

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.

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

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



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agenda materials. The Council shall have the authority to take action regarding any agenda materialized 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)	Nason & McQuaid	11/2/2020
San Pablo Avenue Corridor Project	Nason & Jordan	9/8/2020

7-2. City Council Appointed Representation of Albany:

Bodies	Appointee	Alternate
Alameda County Mayors' Conference	Gary	Jordan
Alameda County Transportation Commission	Nason	Jordan
Alameda County Waste Management Authority	Jordan	Nason
Association of Bay Area Government	Tiedemann	Gary
East Bay Community Energy JPA Board	Tiedemann	Jordan
East Bay Sports Field Recreational Authority JPA	Nason	Gary
Housing Authority of Alameda County	McQuaid	N/A
League of California Cities (East Bay)	McQuaid	Tiedemann
Alameda County Mosquito Abatement District	Jordan	Tiedemann
Alta Bates Hospital Task Force	McQuaid	Nason
Alameda County Library Advisory Commission	Gary	(vacant)
City/AUSD/UC - 2X2X2	Gary	Jordan
Police & Fire Pension Fund Board	Gary	McQuaid
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

7-3. City Council Meetings and Events

8. CITY MANAGER REPORT

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

9. PRESENTATION

9-1. Presentation by ECHO (Eden Council for Hope & Opportunity) Housing on Albany Rent Review Program

Staff recommendation: that the Council receive the Rent Review Program presentation prepared by ECHO Housing, the program administrator retained by the City



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9-2. Comprehensive Annual Financial Report (CAFR) and Annual Audit for FY2019-20

Staff recommendation: that the Council :

1. Receive presentation of the results from the City's independent auditor's examination of the City's financial reports for fiscal year ending June 30, 2020; and
2. Accept and file the reports

10. PUBLIC HEARING

10-1. An Urgency Ordinance of the City of Albany Urgency Ordinance No. 2021-02 to Establish a Temporary Limit on the Charges Imposed by Third-Party Delivery Services on Retail Food Establishments during the Local Declared State of Emergency Resulting from the COVID-19 Pandemic

Staff recommendation: that the Council adopt Urgency Ordinance No. 2021-02, entitled:

AN URGENCY ORDINANCE OF THE CITY OF ALBANY TO ESTABLISH A TEMPORARY LIMIT ON THE CHARGES IMPOSED BY THIRD-PARTY DELIVERY SERVICES ON RETAIL FOOD ESTABLISHMENTS DURING THE LOCAL DECLARED STATE OF EMERGENCY RESULTING FROM THE COVID-19 PANDEMIC

11. UNFINISHED BUSINESS

11-1. City Council Policies Review

Staff recommendation: that the Council continue to review and identify any necessary changes to the City Council Policy Manual (formerly the City Council Rules of Procedure and Order and City Council Policies)

12. NEW BUSINESS

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.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events – please check on City website www.albanyca.org under City Calendar web page for up-to-date information



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- A. Albany Paratransit Virtual Workshop, Thursday, February 18, 10:00 AM, Virtual Workshop via phone/video conferencing

14-2. Upcoming City Meetings

- A. Climate Action Committee Meeting, Wednesday, February 17, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Planning & Zoning Commission Meeting, Wednesday, February 24, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Transportation Commission Meeting, Thursday, February 25, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. City Council Meeting, Monday, March 1, Time to be Determined, Virtual Meeting via phone/video conferencing

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 online or via email request. 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.



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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 where possible 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 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 where possible. Request should be sent to: cityclerk@albanyca.org or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.