



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

SPECIAL & REGULAR MEETING AGENDA

MONDAY, MARCH 1, 2021

6:00 PM Special Meeting

7:00 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.
-



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

SPECIAL MEETING: 6:00 PM

1. CALL TO ORDER/ROLL CALL

2. CLOSED SESSION

2-1. Conference with Real Property Negotiation
Government Code section 54956.8

Property: Maintenance Easement for Existing Cross on a Portion of Albany Hill
Park located on west side of the 700 block of Taft Street, APN 066-2754-
040-03

Agency Negotiators: Scott Ditfurth, City Attorney's Office

Negotiating Parties: Bob Nichols, Attorney for Albany Lions Club, Lions
International

Under Negotiation: Price and Terms of Payment

2-2. Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(2) (1 cases)

3. ADJOURNMENT OF SPECIAL MEETING

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

2. ROLL CALL

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

4. CEREMONIAL MATTERS

5. CITY MANAGER REPORT

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

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.



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

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. 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.

7-1. Minutes, February 16, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 2/16/21, Net Amount: \$292,584.05, Withholding, Deductions: \$320,243.53, Gross Payroll: \$612,827.58

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 \$533,898.02 (2/12/21), \$312,419.45 (2/19/21)

Staff recommendation: Ratify

7-4. 2021-2022 Advisory Bodies Appointments

Charter Review Committee - Kyle Bowman (Nason), David Danby (Gary)

Staff Recommendation: Information Only

7-5. Appreciation for 2019-2020 Advisory Body Members

Staff recommendation: that the Council approve the Certificates of Appreciation to community members that served on Advisory Bodies to the City Council during the term of 2019-2020

7-6. Resolution of the Albany City Council requesting an inclusive redistricting process for Alameda County in 2021

Council Member McQuaid recommendation: that the Council adopt Resolution No. 2021-17, calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent redistricting process based on 2020 Census data



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

7-7. Letter to Senator Atkins in Opposition to SB 9

Council Member McQuaid recommendation: that the Council approve the letter to Senator Atkins opposing SB 9 unless amended

7-8. Resolution Supporting Repeal of AB 1838

Vice Mayor Jordan recommendation: that the Council adopt Resolution No. 2021-26 supporting repeal of 2018 AB 1838, which bans other cities and all counties from adopting taxes on the distribution of sugar-sweetened beverages

7-9. Albany Creeks & Open Space Maintenance and Restoration Program – Award of Contract No. C21-28

Staff recommendation: that the Council adopt Resolution No. 2021-24, authorizing the City Manager to award and execute Contract No. C21-28 with Urban Tilth to maintain and restore open spaces on Albany Hill, Cerrito Creek, and Codornices Creek, in the amount of \$293,651.93, using funds appropriated as part of the Public Works operating budget

7-10. Contract Agreement with Groundworks Office for the Parks, Recreation & Open Space Master Plan Update

Staff recommendation: that the Council the Council adopt Resolution No. 2021-25 authorizing the City Manager to execute Contract No. C21-27 with Groundworks Office for the update to the Parks, Recreation & Open Space Master and to allocate an additional \$25,000 from Recreation Reserves for the completion of the plan for a total of \$75,000

7-11. Letter of Support for Federal Relief Package for Cities

Mayor Gary recommendation: informational only, file the letter as submitted

8. PRESENTATION

8-1. Amending the Second Year of the City of Albany Biennial Operating Budget Covering Fiscal Years 2019-20 to 2020-21

Staff recommendation: that the Council adopt Resolution No. 2021-16, amending the second year of the two-year City of Albany Operating Budget for fiscal years 2019-20 and 2020-21

8-2. Albany CARES Program Update



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

Staff recommendation: that the Council receive the Albany CARES (Community Access to Resources and Services) program update

9. PUBLIC HEARING

10. UNFINISHED BUSINESS

10-1. Refinement on Outdoor Dining Guidelines During COVID-19

Staff recommendation: that the Council take individual action on the following components related to outdoor dining:

1. Resolution No. 2021-18: Location. Consider limiting in-street installations to Solano Avenue only and prohibit installations in ADA (Americans with Disabilities Act) accessible parking spaces, on residential side streets or loading zones.
2. Resolution No. 2021-19: Size. Consider a limitation of in-street installations based on business and frontage and allow discretion for a larger installation based on striping and street grade.
3. Resolution No. 2021-20: Storage/Removal. Prohibit storage of unused installations in parking stalls and require restoration of on-street parking.
4. Resolution No. 2021-21: Acceptable Materials.
 - A. Semi-Permanent Structures. with a roof cover, materials shall be limited to wood frame construction. Plans shall be submitted to the Building Department for review and permit issuance. Prefabricated structures intended for other uses (ex. Carports, garden sheds) are prohibited.
 - B. Temporary Installations. If the Council wishes to provide specific guidance on temporary installations including pre-approved materials such as fire rated canvas tents, wine barrels, k-rails, wood platforms, low wood fencing can be included as part of this Resolution. If these are materials that are unacceptable to council, a prohibition can be included
5. Resolution No. 2021-22: Insurance. Require all businesses participating in outdoor dining to provide proof of liability insurance with the City listed as additionally insured. Currently, it is only a Condition of Approval.
 - A. The Permittee shall demonstrate possession of liability insurance, in the amount not less than \$1,000,000, for the Parklet and/or Sidewalk Seating including any associated Sidewalk Seating, Benches, Planters and Street Furniture. Said insurance shall name the City of Albany as an additional insured and shall be in a form acceptable to the City Attorney.



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

- 6. Resolution No. 2021-23: Revocation. Establish that a violation of issued Conditions of Approval shall result in revocation. If a permit holder fails to comply with operational standards, a 30-day revocation notice will be issued, and any appeal of the revocation will be reviewed by City Council within the 30-day time frame.

11. NEW BUSINESS

11-1. Point-of-Sale Sidewalk Repair Requirement

Vice Mayor Jordan recommendation: that the Council direct staff to prepare an ordinance removing the requirement in Albany’s Municipal Code §14-1.7 that property owners 1) repair damaged sidewalks adjacent to their property at the time of property transfer if needed and 2) secure a Sidewalk Compliance Certificate from the City before property transfer, whether or not the sidewalk needed repair

12. 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 agenda materials. The Council shall have the authority to take action regarding any agendaized written recommendations provided under this agenda category as needed.

City Council Appointed Representation 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



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

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

12-1. Council Member McQuaid Report

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

14-2. Upcoming City Meetings

- A. Social & Economic Justice Commission Meeting, Tuesday, March 2, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Economic Development Committee Meeting, Thursday, March 4, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Arts Committee Meeting, Monday, March 8, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. Planning & Zoning Commission Meeting, Wednesday, March 10, 7:00 PM, Virtual Meeting via phone/video conferencing
- E. Parks, Recreation and Open Space Commission Meeting, Thursday, March 11, 7:00 PM, Virtual Meeting via phone/video conferencing
- F. City Council Meeting, Monday, March 15, 7:00 PM, 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.



ALBANY CITY COUNCIL

Virtual Meeting
Albany, CA 94706

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.

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.