



ALBANY CITY COUNCIL – MINUTES

Virtual Meeting
Albany, CA 94706
Tuesday, January 19, 2021

7:00 p.m.

SPECIAL MEETING

1. CALL TO ORDER / ROLL CALL

Present: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary
Absent: None

A summary of public comments is as follows: people want fairness and choice to vote; City is divided into economic zones by the BART track, City will benefit from having District election.

2. CLOSED SESSION

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

3. ADJOURNMENT OF CLOSED SESSION

7:30 p.m.

REGULAR MEETING

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Gary recognized those who have lost loved ones to COVID-19.

Council Member McQuaid led the Pledge of Allegiance.

2. ROLL CALL

Present: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary
Absent: None

3. CEREMONIAL MATTERS

Council Member Nason wanted to make a statement about resumption of horse racing and commented that Council should have a conversation about the dependency on revenues from horse racing and consider our policy with regard to supporting the continuance of that activity indefinitely.

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

City Attorney Mala Subramanian reported that Council authorized the City Manager to execute an extension of a tolling agreement between the City and the Southwest Voter Registration Education Project to April 30, 2021 so that the parties can enter into settlement discussion.

5. CONSENT CALENDAR

5-1. Minutes, January 4, 2021



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Staff recommendation: Approve

- 5-2.** Ratification of Payroll – Date Paid: 12/31/20, Net Amount: \$369,487.84, Withholding, Deductions: \$276,644.92, Gross Payroll: \$646,132.76

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 \$687,246.83 (1/8/21)

Staff recommendation: Ratify

- 5-4.** 2021-2022 Advisory Body Changes

Appointments:

Arts Committee – Aaron Gach (Jordan)

Financial Advisory Committee – Kim Traynor (Jordan)

Parks, Recreation & Open Space Commission – Julia Chang Frank (Tiedemann),
Christopher Kent (Jordan)

Resignation:

Climate Action Committee-Maria Wilson (McQuaid)

Staff Recommendation: Information Only

- 5-5.** 2021-2022 Advisory Bodies: Ratification of Recommended Appointments

Arts Committee – Robert Abrams-City Council As A Whole (Gary)

Economic Development Committee – Tod Abbott (Chamber of Commerce)

Staff recommendation: Ratify

- 5-6.** Contract Amendment #1 for Engineering Services Contract No. C21-10

Staff recommendation: that the Council adopt Resolution No. 2021-02, authorizing the City Manager to award Contract Amendment #1 to Contract No. C21-10 with CSG Consultants, Inc. in the amount of \$42,240 for pavement design services using funds previously appropriated for the Annual Street Rehabilitation Program (CIP No. 21000)

- 5-7.** Green Building Measures

Climate Action Committee recommendation: On September 16, 2020, the Climate Action Committee unanimously approved a motion to recommend the proposed Green Building measures to Albany City Council



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Planning & Zoning Commission recommendation: On December 9, 2020, the Planning and Zoning Commission unanimously approved a Planning & Zoning resolution recommending the City Council to adopt the Green Building policies

Staff recommendation: that the Council adopt Resolution No. 2020-127, adopting green building measures to exceed the 2019 CALGreen mandatory measures

- 5-8.** Authorizing Resolution to the California Department of Parks and Recreation Office of Grants and Local Services for Recreational Infrastructure Revenue Enhancement (RIRE) Program Funding

Staff recommendation: that the Council adopt Resolution No. 2021-08, authorizing the filing of applications with the California Department of Parks and Recreation Office of Grants and Local Services (OGALS) to receive funding from the Recreational Infrastructure Revenue Enhancement (RIRE) program

Mayor Gary asked if anyone wishes to remove an item from the consent calendar. Council Member McQuaid removed Item 5-7. A member of the public removed Items 5-1, 5-4, 5-5, 5-7, and 5-8.

Item 5-1: Vice Mayor Jordan reported that Council Member Tiedemann moved and Council Member McQuaid seconded a motion to sunset the Library Board.

Item 5-4: City Manager Nicole Almaguer reported the appointments are for the 2021-2023 term.

Item 5-5: City Manager Almaguer reported the Solano Avenue Association and the Chamber of Commerce recommend an individual for Council appointment to the Economic Development Committee. The Council ratifies recommendations of individuals for the Arts Committee and Economic Development Committee. The website is updated when appointments are made or ratified.

Item 5-7: Community Development Analyst Michelle Plouse reported the Green Building Code prefers but does not require all electric appliances in new construction.

Item 5-8: Assistant City Manager Isabelle Leduc reported the California Department of Parks and Recreation provides the grant program. The City does not apply for grants from nonprofit agencies. Staff in each department researches grants that relate to each department.

A summary of public comments is as follows: Advisory Body seats are not being filled promptly (Item 5-4); the City website needs to be updated daily.

A summary of Council comments is as follows: the Albany Unified School District (AUSD) Board of Education will appoint representatives to the Advisory Bodies on Tuesday; the Board of Education has one seat to fill on the Arts Committee.



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MOTION:

Moved by Council Member McQuaid, seconded by Vice Mayor Jordan, to approve the consent calendar.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comments is as follows: the City needs to provide showers for the homeless; the Social & Economic Justice Commission (SEJC) should be an elected body; the City cannot displace homeless persons without providing alternative shelter; an inquiry regarding the reason Advisory Body seats are not being filled.

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

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

None

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	Amy Apel	Sarah Levin
City/AUSD/UC - 2X2X2	Gary	Jordan
Police & Fire Pension Fund Board	Gary	
Alameda County Paratransit Advisory & Planning Committee (PAPCO)		N/A

Council Member Nason reported she attended a meeting of the Alameda County Transportation Commission (ACTC) legislation committee and viewed the 2x2x2 meeting.



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Council Member McQuaid reported she attended meetings of the Housing Authority of Alameda County Board and two committees of the League of California Cities and completed the Everyone Home strategic planning retreat.

Vice Mayor Jordan reported he attended meetings of the StopWaste programs and administration committee, Alameda County Mosquito Abatement District Board, and 2x2x2 where the University of California (UC) presented plans for student housing.

Mayor Gary reported she attended the Mayors' Conference and the 2x2x2 meeting.

A summary of public comments is as follows: the City needs to increase public safety; a question of whether a Council Member is appointed to the Alameda County Paratransit Advisory & Planning Committee; a request for community feedback on the UC student housing project.

7-3. City Council Meetings and Events

None

8. CITY MANAGER REPORT

City Manager Nicole Almaguer reported community members can register for COVID-19 vaccine notifications on the Alameda County Public Health Department's website. Mayor Gary prepared a video to celebrate Martin Luther King Jr. Day, and it is available on the website. ECHO Housing will provide a virtual workshop regarding the Rent Review Program on January 21. Residents may register their needs for access during an emergency with the Albany Community Connect program. Street paving projects on Washington Avenue and Adams Street should be complete in early February. Public Works staff has pruned approximately 100 high-risk liquidambar trees. The sidewalk repair project continues, and Lower Solano curb ramp improvements will begin in mid-February. Sewer inspection and cleaning will occur during the week along Cerrito Creek between Adams and Pierce Streets.

A summary of public comments is as follows: thanks for including a photo of Mr. Garrett in the Senior Center news; a longtime volunteer at the Senior Center, has passed away; the planters at the intersection of Adams and Solano need soil; a question about plans for emergency response to pharmacies offering COVID-19 vaccinations; a question about the availability of paper registration for the Albany Community Connect program; the Albany Cares program could assist seniors with registering for vaccine notifications.

9. PRESENTATION

10. PUBLIC HEARING

10-1. Proposed Amendments to Section 20.100 "Procedures" of the Albany Municipal Code

Staff recommendation: that the Council introduce Ordinance No. 2021-01 for first reading, amending Section 20.100 "Procedures" of the Albany Municipal Code



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Associate Planner Christopher Tan presented the staff report. Alternative accommodations instituted in response to the Shelter in Place Order and language ambiguities have highlighted provisions of the Municipal Code which require amending to improve the application process. On July 22, 2020, the Planning & Zoning Commission (Commission) initiated amendments to Section 20.100, "Procedures," which specifies the requirements for applications, procedures, and public hearings. On December 9, 2020, the Commission adopted a resolution forwarding a recommendation for the City Council to amend Section 20.100. Prior to COVID-19, a public hearing included staff meeting with applicants and interested parties in the lobby of City Hall to discuss concerns. The amendments affect the contents of notices for public hearings and for submission of comments to staff; the requirement to post notice on the site location; story pole requirements; renderings submitted for review; the requirement for a public hearing in administrative review projects; and the requirement for a Resolution of Intention.

A summary of public comments is as follows: the Code needs to be amended to add school zones; the amendments eliminate transparency; notice should be posted on the project site; opposition to removing the Resolution of Intention.

A summary of Council comments is as follows: opposition to eliminating the Resolution of Intention; support for streamlining the process by removing the Resolution of Intention; suggestions to revise Section 20.100.010.E to "Notice. The Community Development Department shall provide notice of any application review process," Section 20.100.010.E(3)(a) to "Administrative Review. ... are to be submitted and the following date and time at which the Community Development Director will make a decision," and Section 20.100.050.C(2)(a) Public Notice and Comment. The Community Development Director shall provide or cause to be provided notice according to Subsection 20.100.010.E."

MOTION:

Moved by Council Member Tiedemann, seconded by Vice Mayor Jordan, to introduce Ordinance No. 2021-01 for first reading, amending Section 20.100 "Procedures" of the Albany Municipal Code, with additional revisions to Sections 20.100.010.E and 20.100.050.C.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

10-2. PA 20-019 Design Review & Density Bonus for a New Apartment Building at 423 Evelyn Avenue

Planning & Zoning recommendation: that the Council adopt a resolution approving the project entitlements for the 423 Evelyn Avenue Apartment project. The Planning & Zoning Commission adopted Planning & Zoning Resolution No. 2020-06 on December 9, 2020, forwarding a recommendation to the City Council to approve the Density Bonus and Design Review requests

Staff recommendation: that the City Council review the project and adopt Resolution No. 2021-07 approving the project entitlements for the 423 Evelyn Avenue Apartment Project.



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CEQA: The project is Categorically exempt from CEQA pursuant to Section 15332 "In-Fill Development Projects" of the CEQA Guidelines.

Vice Mayor Jordan recused himself from this item due to a financial interest in real property located within 500 feet of the subject property.

Jean Eisberg, Lexington Planning, presented the staff report. The Albany Municipal Code requires the City Council to approve State Density Bonus Law projects. The site does not conform with requirements for lot width, front and side setbacks, front daylight plane, parking back-up distance, bike parking, and open space. Only one of the four units in the existing building is occupied. Parking at the rear of the site is currently leased separately from the units. The applicant has considered various options to accommodate required parking. The applicant proposes to replace the existing parking with open space; provide 14 multifamily units in addition to the existing 4 units, designate 1 unit for a very-low-income household and 1 unit for a low-income household; redesign the driveway to serve bikes and pedestrians; provide common open space between the two buildings, common access to the Ohlone Greenway, and 35 protected bike parking spaces, increase unit density using the State Density Bonus Law; and request two concessions and three waivers using the State Density Bonus Law. The 2015-2023 General Plan identifies the site as an opportunity site. The project complies with the Housing Accountability Act. With a vote of 4-1 on December 9, 2020, the Planning & Zoning Commission recommended the Council approve the entitlements.

Isaiah Stackhouse, applicant, reported the project site is located near BART and services. The shape and size of the lot make development difficult. The site can accommodate only four parking spaces, and underground parking would be cost prohibitive. Waiving the parking requirement allows the parking to be replaced with an entry garden, a central courtyard, and bicycle parking. He agreed to work with staff to accommodate the Council's modifications.

A summary of public comments is as follows: the project needs parking; concern about the project intruding on the privacy and light of the adjacent building; concern about handicap access to the units; this location is good for a development project that does not provide parking; the Council should seek clarification of the parking waiver; the Council may want to amend the Municipal Code to allow the Planning & Zoning Commission to approve State Density Bonus Law projects; support for the project; concern about the lack of parking and an elevator; a suggestion to locate one of the affordable units on the ground floor; this project will increase traffic and parking congestion; support for a base density of 11 units; removing the roof over the walkway will increase natural light for the adjacent building.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Tiedemann, to extend the meeting to 11:30 p.m.

AYES: Council Members McQuaid, Nason, and Tiedemann, Mayor Gary

NOES: None

RECUSED: Vice Mayor Jordan

Motion carried and so ordered.



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A summary of Council comments is as follows: concern about protecting trees on adjacent properties during construction; ginkgo may not be an appropriate tree; parking congestion is a concern; some onsite parking is necessary; livable space is preferable to parking spaces; this parcel is ideal for a housing project without parking; the Council is not in a position to deny housing in order to protect light, privacy, and parking; support for a lighter color palette and more windows if possible.

MOTION:

Moved by Council Member Nason, seconded by Council Member Tiedemann, to adopt Resolution No. 2021-07 approving the project entitlements for the 423 Evelyn Avenue Apartment Project with Conditions of Approval requiring both affordable units to be two-bedroom units, a lighter color palette, modifications to windows on the north elevation, and at least one affordable unit to be located on the ground floor.

AYES: Council Members McQuaid, Nason, and Tiedemann

NOES: None

ABSTAIN: Mayor Gary

RECUSED: Vice Mayor Jordan

Motion carried and so ordered.

11. UNFINISHED BUSINESS

11-1. Changes to Advisory Bodies to the City Council

Staff recommendation: that the Council:

1. Adopt Resolution No. 2021-03, sunseting the Library Board;
2. Consider selection of a Council Member to represent the City of Albany on the Alameda County Library Advisory Commission;
3. Adopt Resolution No. 2021-04, updating the charge of the City's Community Media Access Committee;
4. Adopt Resolution No. 2021-05, clarifying the timeline for replacing an appointment to an Advisory Body to the City Council due to the resignation or removal of an appointee; and
5. Adopt Resolution No. 2021-06, changing one City Council as a Whole appointment to the Social & Economic Justice Commission to an Albany Unified School District Board of Education appointment .

City Manager Almaguer presented the staff report. At the Council's direction, staff has prepared resolutions for the Council's consideration. If the Council chooses to sunset the Library Board, opportunities for consistent engagement with the Alameda County Public Library System and the Alameda County Library Advisory Commission remain. The Council may appoint a Council Member or a member of the community as a representative to the Alameda County Library Advisory Commission.

A summary of public comments is as follows: opposition to sunseting the Library Board; thanks to community members and the City for supporting the Library Board.



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A summary of Council comments is as follows: a desire for input from the Friends of the Albany Library; the objective for sunseting the Library Board is to reduce bureaucracy and increase efficiency; support for appointing a Council Member to the Library Advisory Commission until the Council can appoint a member of the community; Line 20 of the resolution for the Community Media Access Committee (CMAC) should be revised to "... advising and working on community access and information regarding City of Albany matters;" if the CMAC wishes to work on AUSD matters, it should be allowed to do so; a suggestion for the AUSD Board of Education to appoint individuals to the two Council as a Whole seats on the SEJC beginning in 2023.

MOTION:

Moved by Vice Mayor Jordan, seconded by Council Member Tiedemann, to adopt Resolution No. 2021-03, sunseting the Library Board.

AYES: Council Members McQuaid and Tiedemann, Vice Mayor Jordan

NOES: Council Member Nason, Mayor Gary

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Nason, to appoint Mayor Gary as the City of Albany's representative to the Alameda County Library Advisory Commission until such time as the Council appoints a community member as its representative.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Mayor Gary, seconded by Council Member McQuaid, to extend the meeting to 11:45 p.m.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

MOTION:

Moved by Council Member McQuaid, seconded by Council Member Tiedemann, to (1) adopt Resolution No. 2021-04, updating the charge of the City's Community Media Access Committee with Line 20 of the resolution amended to "... advising and working on ...;" (2) adopt Resolution No. 2021-05, clarifying the timeline for replacing an appointment to an Advisory Body to the City Council due to the resignation or removal of an appointee; and (3) adopt Resolution No. 2021-06, changing the current vacant City Council As a Whole appointment to the Social & Economic Justice Commission to an Albany Unified School District Board of Education appointment effective immediately, and changing the currently filled City Council As a Whole appointment to the Social & Economic Justice Commission to an appointment by the Albany Unified School District Board of Education when vacated for this term effective January 2023 for the 2023-2024 term.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.



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11-2. Charter Review Committee Potential Workplan Items and Consideration of transitioning the Committee to a Task Force

Staff recommendation: that the Council identify possible workplan items related to the Charter Review Committee and provide any direction to staff regarding whether this Committee should transition to a Task Force

City Manager Almaguer presented the staff report. Currently, the Charter Review Committee (Committee) does not meet until the Council calls upon it. Council Members previously discussed reviewing and identifying workplan items and transitioning the Committee to a Task Force.

A summary of public comments is as follows: the Council should continue the remaining items because of the late hour; opposition to changing the Committee to a Task Force.

A summary of Council comments is as follows: a preference to retain the Committee as a Committee; the Committee was working on youth voting when the Council directed it to cease work; Advisory Bodies typically work in substantive subject matter areas; the Council Strategic Plan may contain an initiative that requires a Charter amendment, at which time the Council can appoint a Task Force; the Committee recommends policies to the Council;

Mayor Gary announced this item and Item 12-1 are continued to next meeting due to the late hour.

MOTION:

Moved by Vice Mayor Jordan, and seconded by Council Member Tiedemann, to extend the meeting to 11:50 p.m.

AYES: Council Members McQuaid, Nason, and Tiedemann, Vice Mayor Jordan, Mayor Gary

NOES: None

Motion carried and so ordered.

12. NEW BUSINESS

12-1. City Council Appointments to the Board of Police and Fire Pension Fund Commissioners

Staff recommendation: that the Council appoint the alternates for the Board of Police and Fire Pension Fund Commissioners per City Charter Section 9.01

13. FUTURE AGENDA ITEMS

Council Member Nason requested an agenda item regarding the UC student housing project and traffic plans. Vice Mayor Jordan requested an agenda item to discuss referring an art in public places ordinance to the Arts Committee.

14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

14-1. Upcoming City Events – Please check the City website, www.albanyca.org, under City Calendar webpage for up-to-date information



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- A. Albany Rent Review Program Webinar, Thursday, January 21, 6:00 PM, Virtual Webinar via phone/video conferencing

14-2. Upcoming City Meetings

- A. Climate Action Committee Meeting, Wednesday, January 20, 7:30 PM, Virtual Meeting via phone/video conferencing
- B. Planning & Zoning Commission Meeting, Wednesday, January 27, 7:00 PM, Virtual Meeting via phone/video conferencing
- C. Transportation Commission Meeting, Thursday, January 28, 7:00 PM, Virtual Meeting via phone/video conferencing
- D. City Council Meeting, Monday, February 1, 7:30 PM, Virtual Meeting via phone/video conferencing

15. ADJOURNMENT

11:48 p.m. There being no further business before the City Council, Mayor Gary adjourned the meeting.

Minutes submitted by Anne Hsu, City Clerk.

A handwritten signature in blue ink, appearing to read "Ge'Nell Gary".

Ge'Nell Gary
Mayor

Attest:

A handwritten signature in blue ink, appearing to read "Anne Hsu".

Anne Hsu, City Clerk