



Albany City Council
Virtual Meeting
Albany, CA 94706
Monday, November 15, 2021

SPECIAL & REGULAR MEETING AGENDA

Monday, November 15, 2021

Special Meeting 6:00 PM

Regular Meeting 7:00 PM

COVID-19 NOTICE – PUBLIC MEETING GUIDELINES

Consistent with California Assembly Bill 361, given the proclaimed state of emergency and the Alameda County Health Care Services Agency Director’s recommendation for continued social distancing for public meetings, which is also consistent with CalOSHA requirements for social distancing, the City Council will be participating in City Council meetings via phone/video conferencing. The public is invited to participate via the methods below:

How to watch or listen to the meeting:

1. Meetings are streamed live and recorded for viewing on City website www.albanyca.org/meetings or on YouTube (www.YouTube.com/AlbanyKALB)
2. To observe the meeting by video conference, please go to <https://zoom.us/s/97970114482>.
3. To listen to the meeting by phone, please call 1 (669) 900-9128, then enter **Webinar ID 979 7011 4482**, follow by #. When asked for a participant ID, press # again.

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. Comments may also be submitted by mail to 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 before the meeting and posted on the website. Other written comments received after 5 PM 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 during public comment period. You will be asked to unmute yourself when it is your turn to make your comment. After the allotted time, you will then be re-muted.
 3. To comment by phone, you will “Raise Your Hand” by pressing *9 to request to speak during public comment period. When it is your turn to make your comment, you will be asked to unmute yourself by pressing *6. You will be re-muted after the allotted time.
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SPECIAL MEETING - CLOSED SESSION: 6:00 PM

1. CALL TO ORDER/ROLL CALL

2. CLOSED SESSION

2-1. Public Employee Performance Evaluation pursuant to Government Code Section 54957

Public Employee Title: City Manager

3. ADJOURNMENT OF SPECIAL MEETING - CLOSED SESSION

REGULAR MEETING: 7:00 PM

1. CALL TO ORDER

2. ROLL CALL

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

No public comment will be taken.

4. CEREMONIAL MATTERS

5. CITY MANAGER REPORT

The City Manager provides verbal and/or written reports regarding matters of interest to the Council. No public comment will be taken.

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. 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 – November 1, 2021

Staff recommendation: Approve

7-2. Ratification of Payroll – Date Paid 11/5/2021: Net Amount \$343,249.42, Taxes/Benefits/Deductions \$345,244.00, Total Payroll \$688,493.42

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 \$178,847.88 (10/29/2021), \$348,336.79 (11/5/2021)

Staff recommendation: Ratify

7-4. Proclamation – Appreciation for Albany CERT Volunteers

Council Member McQuaid recommendation: that the Council expresses its gratitude to all of the CERT (Community Emergency Response Team) volunteers

7-5. Resolution of the Albany City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency under California Assembly Bill (AB 361)

Staff recommendation: that the Council adopt Resolution No. 2021-110, allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361

7-6. Subdivision Agreement, Deferred Improvement Agreement & Final Map for Portland Kains Townhomes

Staff recommendation: that the Council adopt:

1. Resolution No. 2021-111, approving the Subdivision Agreement and Deferred Improvement Agreement for the Portland Kains Townhouse Project
2. Resolution No. 2021-112, approving the Final Map for the Portland Kains Subdivision (Tract 8402)

7-7. Authorize Call for Bids for the Masonic Intersections (Ohlone Trail Safety Improvements) Project – CIP No. 25007

Staff recommendation: that the Council adopt Resolution No. 2021-113, authorizing the City Manager:

1. To approve a Call for Bids for construction of the Masonic Intersections (Ohlone Trail Safety Improvements) project (CIP No. 25007); and
2. To execute a grant agreement for the State of California Active Transportation Program (ATP) Cycle 4 Grant awarded to the project in the amount of \$410,000; and
3. To confirm appropriation of the Active Transportation Program (ATP) Cycle 4 grant funding in the amount of \$410,000, which will be provided to the City on a reimbursement basis for expenditures incurred on the project

7-8. Authorization to Sign Lease Agreement and Appropriate Funds for Bigbelly Units at the Waterfront and Taft Street Turnaround

Staff recommendation: that the Council adopt Resolution No. 2021-114:

1. Authorizing the City Manager to execute a five-year lease agreement with Bigbelly LLC for use of three (3) triple-stream units and one (1) double-stream unit; and
2. Appropriating \$14,000 from Measure D Waste Mitigation funds for the first year of the agreement, to be incorporated into the Public Works Operating Budget

7-9. Comments for Congressional Redistricting

Council Members McQuaid & Nason recommendation: that the Council approve submission of the attached comment expressing our concern over this plan

7-10. California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) Proposition 68 Per Capita & Recreational Infrastructure Revenue Enhancement (RIRE) Programs Project Applications

Parks, Recreation & Open Space Commission Recommendation: that the Council authorize the submission of applications with the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) for 7 park projects to receive funding from Proposition 68 Per Capita and Recreational Infrastructure Revenue Enhancement (RIRE) grant programs with options for adding 2 additional projects if funding allows for

shading over the play structure at Peggy Thomsen Pierce Street park and Lighting improvements for the tennis/pickleball courts at Ocean View park

Staff Recommendation: that the Council adopt Resolution No. 2021-115, authorizing the submission of applications with the California Department of Parks and Recreation's Office of Grants and Local Services (OGALS) for 7 park projects to receive funding from Proposition 68 Per Capita and Recreational Infrastructure Revenue Enhancement (RIRE) grant programs and appropriate \$37,961 in matching funds from available fund balance in Measure M - Parks & Open Space Parcel Tax (2018)

7-11. Development of an Existing Building Electrification Pilot Program

Vice Mayor Jordan recommendation: that the Council authorize City staff to work with Energy Council staff to develop a potential pilot program utilizing Measure DD funds to electrify existing buildings in locations that allow future reduction of the gas distribution network, with a focus on older multi residence buildings

7-12. Curative Testing Center in Albany

Mayor Gary recommendation: that the Council will vote in favor of having local COVID testing in the City of Albany by partnering with Curative

8. PRESENTATION

8-1. Review of Advisory Body Work Plan

Staff recommendation: that the Council:

1. Receive presentation regarding the work plan developed by the Financial Advisory Committee
2. Provide any comments or direction regarding the proposed work plan
3. Approve work plan for implementation by the Advisory Body

8-2. Quarterly Financial Update

Staff recommendation: report is for informational purposes only

9. PUBLIC HEARING

9-1. Introduction of an Ordinance Adding Section 9.12 Organics Reduction and Recycling to the Albany Municipal Code, Adopting by Reference the Alameda County Waste Management Authority's Organics Reduction and Recycling Ordinance No. 2021-02 – First Reading

Staff recommendation: that the Council conduct a first reading of Ordinance No. 2021-11, amending Section 15-2 of the Albany Municipal Code, opting into the Alameda County Organics Reduction and Recycling Ordinance (ORRO)

The Ordinance will become effective on January 1, 2022, consistent with the Organics Reduction and Recycling Ordinance adopted by the Alameda County Waste Management Authority.

10. UNFINISHED BUSINESS

10-1. Update from the City Council Subcommittee on Confederated Villages of Lisjan

Council Subcommittee recommendation: that the Council receive an update regarding status towards achieving initiatives as approved by the Council on September 20, 2021, and adopt the proposed land acknowledgment to be read at the beginning of City Council meetings and all other City board and commission meetings

11. NEW BUSINESS

11-1. Albany Waterfront Park

Council Member Nason recommendation: that the Council establish policy principles as follows with respect to planning for the city-owned portions of the Albany waterfront*:

1. That as Albany's lands at the waterfront are expected to remain a municipal park (with associated trail and road accessways), rather than being incorporated into the adjacent state park, for the foreseeable future, their proposed inclusion in the Parks, Recreation, and Open Space Master Plan be deemed appropriate;
2. That the City not seek renewal of the five-year Memorandum of Understanding executed on November 28, 2016, and instead seek to foster collaborative relationships with the East Bay Regional Park District through cooperation on matters of mutual interest, including policy as well as implementation and day-to-day management;
3. That the \$300,000 previously set aside for CEQA documentation be reprogrammed to minor improvements to the park and accessways in a manner and on a timeline to be recommended by staff and approved by the Council

11-2. Consideration of Possible Ballot Measures for the November 2022 General Municipal Election

Staff recommendation: that the Council receive information regarding possible measures for the November 2022 ballot and provide direction to staff on next steps, including the possible establishment of a subcommittee of the City Council to further develop the framework for potential ballot measures

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	Jordan
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
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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

Information available on City website <https://www.albanyca.org/our-city/city-calendar> City Calendar web page. No public comment will be taken.

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

Holiday City Facilities Closures:

1. Thursday, November 25 – Friday November 26, 2021
2. Thursday, December 23 from 12:30 PM – Friday, December 31, 2021. City Facilities will resume normal office hours on Monday, January 3, 2022

Upcoming City Meetings

1. Community Task Force on Policing Meeting, Tuesday, November 16, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Climate Action Committee Meeting, Wednesday, November 17, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Transportation Commission Special Meeting, Wednesday, December 1, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Economic Development Committee Meeting, Thursday, December 2, 7:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Meeting, Monday, December 6, 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.

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.

Please note that if you provide your name and address when speaking before the City Council or submitted as part of your written public comment, the information will become part of the official public record, which will be posted online and subject to disclosure under the Public Records Act.

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.