



**Albany City Council**  
Virtual Meeting  
Albany, CA 94706  
Monday, December 06, 2021

---

## **SPECIAL & REGULAR MEETING AGENDA**

Monday, December 06, 2021

6:00 PM – Special Meeting

7:00 PM – Regular Meeting

---

### **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](http://www.albanyca.org/meetings) or on YouTube ([www.YouTube.com/AlbanyKALB](http://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](mailto: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.
-

**SPECIAL MEETING - CLOSED SESSION: 6:00 PM**

**1. CALL TO ORDER / ROLL CALL**

**2. CLOSED SESSION**

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

**2-2.** 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**

The following statement shall be read at the beginning of each City Council meeting and Advisory Body meetings per City of Albany Minute Action, November 15, 2021.

“The City of Albany recognizes that we occupy the land originally protected by the Confederated Villages of Lisjan. We acknowledge the genocide that took place on these lands and must make strides to repay the moral debt that is owed to this indigenous people, specifically the Ohlone Tribe. We thank them for their contributions which have transformed our community, and will continue to bring forth growth and unity. The City of Albany commits to sustaining ongoing relationships with the Tribe and together build a better future for all that now make this their home.”

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

No public comment will be taken.

**4. CEREMONIAL MATTERS**

**4-1.** Certificate of Appreciation – Crossing Guards (Larry Burgess, Beverly Young, Mellisa Malone, Nadia Cannady, Rochelle Richard, Phyllis Bonner, Orlandus Waters)

**4-2.** Certificate of Recognition – Albany High School Cross Country Team

**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 9, 2021 & November 15, 2021

Staff recommendation: Approve

**7-2.** Ratification of Payroll – Date Paid 11/19/2021: Net Amount \$340,271.83, Taxes/Benefits/Deductions \$351,177.38, Total Payroll \$691,449.21

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 \$296,563.70 (11/12/2021), \$318,709.98 (11/19/2021)

Staff recommendation: Ratify

**7-4.** Advisory Body Appointment – Peter Maass appointed by Council

Member Nason to the Economic Development Committee

Staff recommendation: informational only

- 7-5.** Ordinance No. 2021-11 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 – Second Reading – Pass to Print

Staff recommendation: that the Council adopt Ordinance No. 2021-11 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 – Second Reading - Pass to Print

- 7-6.** Subdivision Agreement & Final Map for Portland Kains Townhomes

Staff recommendation: that the Council adopt:

1. Resolution No. 2021-111 approving the Subdivision 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.** Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay

Staff recommendation: that the Council adopt Resolution No. 2021-116, in support of Bay Adapt and submit the letter of support to the San Francisco Bay Conservation and Development Commission

- 7-8.** FY2022 Sugar Sweetened Beverage Tax Expenditure Plan Modification for New Project "Move'n'Groove" to Replace "Walk'n'Roll to the Shore" Event

Staff recommendation: that the Council approve the new proposed project "Move'n'Groove" as replacement for the "Walk'n'Roll to the Shore" event in the amount of \$6,000 approved as part of the FY2022 Sugar Sweetened Beverage Tax Expenditure Plan

- 7-9.** National Opioid Litigation and Authorization to Participate in Settlement Agreements Arising from the Litigation

Staff recommendation: that the Council authorize the City Attorney to take all necessary steps and execute appropriate documents to participate in the Settlement Agreements with the Distributors and Janssen, agree to the State Subdivision Agreements, and allow direct payment to be made to the City

**7-10. City Council Mission Statement Update**

Mission Statement Subcommittee Recommendation: that the Council accept the Mission Statement as proposed for incorporation in to the City Council Strategic Plan

**8. PRESENTATION**

**8-1. Final Draft of the 2021 Parks, Recreation & Open Space Master Plan Update**

Staff recommendation: that the Council:

1. Receive and provide input on the final draft of the Parks, Recreation & Open Space Master Plan presented by Groundworks Office, and
2. Adopt Resolution No. 2021-117, approving the final draft of the Parks, Recreation & Open Space Master Plan

**9. PUBLIC HEARING**

**10. UNFINISHED BUSINESS**

**11. NEW BUSINESS**

**11-1. Request for Sponsorship of the Winter Solano Stroll**

Staff recommendation: that the Council consider a sponsorship of the Solano Avenue Association Winter Stroll to be held on Solano Avenue

**11-2. Updating the City of Albany Green Building Requirements**

Staff recommendation: that the Council adopt Resolution No. 2021-118, updating the green building requirements to include a 6.7% compliance margin requirement for new mid-rise and high-rise mixed-fuel buildings and removes the multifamily outdoor lighting requirement

**11-3. Request from the Community Task Force on Policing to Extend the Term of the Task Force for an Additional Three (3) Months**

Community Task Force on Policing recommendation: that the Council approve a 3-month extension to complete the concepts of Reimaging Policing in Albany and Budget review to sustain the foundation of the Police Oversight committee. Likewise, the Taskforce would recommend that Mayor Gary continues to serve as the representative from Council and a representative from the Police and Financial Department attend

meetings to assist in finalizing the Task Force requirements

**11-4. Safe Storage of Firearms**

Council Member McQuaid recommendation: that the Council direct staff to draft an ordinance requiring firearms located within a residence or vehicle be stored in a locked container or disabled with a trigger lock

**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.

<b>City Council Appointed Representation Bodies</b>	<b>Appointee</b>	<b>Alternate</b>
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	McQuiad
Alameda County Paratransit Advisory & Planning Committee (PAPCO)	(vacant)	N/A

**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](http://www.albanyca.org) under City Calendar web page for up-to-date information

Upcoming City Meetings

1. Social & Economic Justice Commission Meeting, Tuesday, December 7, 7:00 PM, Virtual Meeting via phone/video conferencing
2. Parks, Recreation & Open Space Commission Meeting, Thursday, December 9, 7:00 PM, Virtual Meeting via phone/video conferencing
3. Arts Committee Meeting, Monday, December 13, 7:00 PM, Virtual Meeting via phone/video conferencing
4. Climate Action Committee Meeting, Wednesday, December 15, 7:00 PM, Virtual Meeting via phone/video conferencing
5. City Council Meeting, Monday, December 20, 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](http://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](mailto: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](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.