



## ALBANY CITY COUNCIL – MINUTES

Virtual Meeting

Albany, CA 94706

Monday, December 6, 2021

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### **SPECIAL MEETING – CLOSED SESSION 6:00 PM**

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

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

Absent: None

#### **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

No public comment received.

#### **3. ADJOURNMENT OF SPECIAL MEETING – CLOSED SESSION**

### **REGULAR MEETING: 7:00 PM**

#### **1. CALL TO ORDER**

#### **2. ROLL CALL**

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

Absent: None

Council Member McQuaid read the Albany Land Acknowledgement Statement as adopted by the City Council per City of Albany Minute Action, November 15, 2021.

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

City Attorney Mala Subramanian reported no reportable action from the closed session.

#### **4. CEREMONIAL MATTERS**

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

Mayor Gary presented Certificate of Appreciation to crossing guards. Orlandus Waters and Rochelle Richard represented the crossing guards to accept the Certificate.

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



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Mayor Gary presented a Certificate of Recognition to the Albany High School Cross Country Team for their outstanding performance, and it was accepted by Coach Craig Stern and the Albany High School Cross Country Team.

### 5. CITY MANAGER REPORT

City Manager Almaguer reminded Albany residents to be mindful of visibility and traffic laws when walking, biking, or driving to prevent collisions. An Albany Housing Element Update Workshop is planned for December 16, 2021, and translations in Spanish and Mandarin will be available. The transition for Albany's default electricity option for the Renewable 100 electricity service begins January 2022, informational website is [EBCE.org/Albany](http://EBCE.org/Albany). Individuals with business licenses can expect to receive their 2022 business license renewal letter in the mail at the end of December 2021, and renewals are due by January 31, 2022. Albany has partnered with Curative to assist with COVID-19 testing at the Community Center. Albany residents may visit [redcrossblood.org](http://redcrossblood.org) to schedule an appointment to donate blood during the blood drive held at the Community Center. The Fall 2021 Sewer Project is near completion.

### 6. GOOD OF THE CITY/PUBLIC COMMENT

Mayor Gary opened the Good of the City.

A summary of public comment is as follows: food banks are available to Albany residents;; appreciation to Mayor Gary for the many things she has pushed forward; the change in our clean electricity is in line with our climate action adaptation goals and encourages everyone to support the 100% clean electricity, and not opt over to other less expensive options; encourages residents to attend the Climate Action Committee meetings occurring the third Wednesday of every month; a suggestion for Council to invite Albany Uprising to participate and offer input on issues related to inequities in the community; support for port-o-potty and a sink in the community center parking lot; appreciation for comments about the impact of adding a port-o-potty to the area around the creek.

### 7. 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), \$271,508.90

Staff recommendation: Ratify



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- 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. 202111 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. 202102 – 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



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

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

Mayor Gary asked if anyone wishes to remove items from the consent calendar. Council Member McQuaid pulled Consent Item 7-8 to recuse herself from the item as she is a Board Member of the Albany Community Foundation.

#### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member McQuaid, to approve Consent Calendar items 7-1 to 7-7 and 7-9 to 7-10.

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

NOES: None

Motion carried and so ordered.

Moved by Vice Mayor Jordan, seconded by Council Member Nason, to approve Consent Calendar item 7-8.

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

NOES: None

RECUSED: Council Member McQuaid

Motion carried and so ordered.

## 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

Assistant City Manager/Recreation & Community Services Director Isabelle Leduc presented the staff report. The item is the final draft of the 2021 Parks, Recreation and Open Space Master Plan. A planning tool that addresses current and future needs and provides recommendations for a systematic and prioritized approach to the implementation of parks and recreational projects. The plan provides a new ten-year outlook to drive near-term and long-range planning for Albany parks and directs decision-making and resources. The Master Plan is divided into six chapters with an appendix. Groundworks conducted months of outreach to gather input on project ideas, policies, and programs, including two virtual community workshops via Zoom and one in-person workshop at Memorial Park.



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Brennan Cox, Groundworks Office Consultant, provided an overview of the Master Plan Process and detailed the four task phases of the plan: Learn, Workshop, Evaluate, and Implement, and introduced the six chapters of the Master Plan. The first phase of the Albany Parks, Recreation and Open Space Master Plan assists with educating on the existing conditions of the Albany parks and open space system. The Workshop phase focuses on community-driven research of potentially relevant projects, policies, and programs. Mr. Cox provided a summary of three previous workshops. Chapter four of the Master Plan includes a project catalog that highlights various park themes, ideas and explorations. The Evaluate Phase details a process on how the key projects, policies, and programs collected through surveys, workshops, stakeholder meetings, and planning studies can become incorporated into Albany's parks and open spaces. Included within the Master Plan chapters is a Feasibility Criteria Scoring Rubric and a Master Plan project forecast. The Implement chapter identifies next steps to realize projects at the short-term and the mid-term levels. The placemaking catalog is an inventory of existing park amenities and elements and offers guidance for future implementation.

Jeff Bond explained that most of the projects identified in the draft Master Plan are categorically exempt, particularly those that are proposed for near-term grants through Proposition 68. Creeks and waterfront can be more challenging, those projects should be evaluated individually.

A summary of public comment is as follows: inquiries regarding the school district owning the Key Route median; concern about the Master Plan precluding the continuation of the discussion with the Sogorea Te' Land Trust regarding land rematriation; excitement for the Albany Bulb being included in the parks Master Plan for the first time; a request for the language to be amended to be more positive; it would be great if the city would make a commitment through collaboration with nonprofits; appreciation for the work and effort to organize the public workshops; an inquiry regarding money spent for the new Master Plan when Albany Hill has a problem with dying trees.

A summary of Council comments is as follows: concern about the reaffirmation of the Albany Hill and Creekside Master Plan because so much has changed from an environmental perspective since 2012 from the wildfire situation; concern that there is no CEQA (California Environmental Quality Act) analysis of potential impacts; there is a need to be fully cognizant of what is occurring on Albany Hill from fire dangers and other ecosystem issues; a suggestion to address the torch on Solano Avenue and why it is not appropriate to have in Albany; Albany should move the bench on the hill, and abandon the policy of maintaining sightline regarding the Albany cross; support for the workshop comment regarding creating safe fun spaces for teen and young girls; a suggestion to mention non-traditional parks in the plan; a suggestion to include the easement running between Adams Street and Creekside Park in the Plan; suggestions for consultation regarding the history of naming the Ohlone Greenway; Memorial flexible courts should be considered; appreciation to Groundworks for the work on the project; it is important to have rematriation recorded in the plan.



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Staff and Groundworks Office received Council comments to incorporate in the Master Plan and will return at a future meeting for consideration of Plan adoption.

### 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

City Manager Almaguer presented the staff report. The Solano Avenue Association (SAA) will be hosting a quarterly, seasonal stroll and is inquiring the potential for City sponsorship of the upcoming Winter Stroll event.

Allen Cain, Executive Director/Events Manager of SAA, advised that the event format has changed from the annual Solano Stroll to be mostly held on private property and individual businesses, and does not have outside vendors. There are currently sixty businesses participating at the event and more are expected to become involved.

Jennifer Hansen-Romero, SAA President, explained that the programs are designed to support and engage businesses and the community, as well as neighboring visitors. Due to the pandemic, funds typically utilized to host the events have become inaccessible, and event hosts hope the City Council will help allocate funds to continue providing events to Albany.

A summary of public comment is as follows: none

A summary of Council comment is as follows: support for the Solano Stroll model; a request for staff to provide a summary of staff time spent on the event.

#### **MOTION:**

Moved by Council Member Nason, seconded by Council Member McQuaid, to approve a \$2,000 contribution from the Rescue Act Funds for the Solano Avenue Association Winter Stroll to be held on Solano Avenue to help encourage people to return to the City's business districts.

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

NOES: None

RECUSED: Mayor Gary

Motion carried and so ordered.

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





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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

Michelle Plouse, Community Development Assistant, presented the staff report and provided an update for the City of Albany Green Building Requirements. Resolution No. 2020-127 is the current measure and Resolution No. 2021-118 is the current recommended update by the Climate Action Committee. Cost impacts vary due to set limits for the compliance margin. Albany can require a 6.7% compliance margin for mixed-fuel buildings. The multifamily outdoor lighting requirement has been removed from Resolution No. 2021-118.

A summary of public comment is as follows: concern about the project not being sent to the Planning & Zoning Commission; a question regarding the reduction of light pollution.

Community Development Assistant Plouse stated that the project was introduced to the Climate Action Committee. The original resolution was reviewed by the Planning & Zoning Commission. The current resolution included minor changes that did not necessitate Planning & Zoning Commission review.

### **MOTION:**

Moved by Vice Mayor Jordan, seconded by Council Member Nason, to 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 remove the multifamily outdoor lighting requirement.

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

NOES: None

Motion carried and so ordered.

### **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 three-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

Tom Newton, Member of Community Task Force on Policing, advised that the Community Task Force on Policing needs additional time to analyze facts and data from City departments, and requests a three-month extension.



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A summary of public comment is as follows: support for the three-month extension; the task force is comprised of volunteers who need support.

A summary of Council comment is as follows: concern about Finance Director's participation may affect the completion timing of time-sensitive financial reports and what the measure in tax proceeds would be; concern regarding the lack of a final draft report and why more time is needed; while the work product has been presented, it is not necessarily near the final form; a suggestion that the Financial Department staff not attend meetings until January, or thereafter.

Mayor Gary clarified that the Task Force requested staff be readily available for questions if needed.

City Manager Almaguer stated that staff can be available and can meet with the subcommittee separately, which may help the Finance Director to examine spreadsheets and data to better respond to inquiries.

### **MOTION:**

Moved by Council Member Tiedemann, seconded by Vice Mayor Jordan, to approve extending the Task Force for an additional three meetings, to complete the concepts of Reimaging Policing in Albany and Budget review to sustain the foundation of the Police Oversight committee, accepting that if they choose to cancel their December meeting through the holidays, that not affect that time period with the last meeting being held by March 31, 2022, and directing police staff and finance staff to make themselves available as required, and keeping Mayor Gary as the Council's representative.

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

NOES: None

Motion carried and so ordered.

### **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

Council Member McQuaid presented the memo and provided a summary on a proposed ordinance requiring firearms located within a residence or vehicle be stored in a locked container or disabled with a trigger lock, which would be added to the existing law.

City Attorney Mala Subramanian explained that staff would likely recommend that the vehicle storage language not be included in the ordinance, however it is covered in the penal code and is not absent from the law.





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A summary of public comment is as follows: support for the measure; Albany can publicize an education campaign on securing guns.

A summary of Council comment is as follows: concern about how the ordinance would be enforced.

### **MOTION:**

Moved by Council Member Nason, seconded by Council Member McQuaid, to approve drafting an ordinance requiring firearms located within a residence or vehicle be stored in a locked container or disabled with a trigger lock.

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

NOES: Mayor Gary

Motion carried and so ordered.

## **12. COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS**

<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	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	N/A
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

Vice Mayor Jordan reported no new meetings attended.

Council Member Nason reported she attended an Alameda County Transportation Commission (ACTC) meeting and noted that agency has an Internal Staff Diversity and Cultural Practices Committee, and they recommended that Juneteenth be granted as a floating holiday and allow staff to choose holidays that are appropriate of interest and appropriate to their own culture.

Council Member Tiedemann reported he attended a Board of Directors meeting for East Bay Community Energy (EBCE) and discussed a low moderate income electrification program that is being developed as well as the free Pacific Gas and Electric (PG&E)



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carbon-free allocation. He also reported attending a special meeting about the Net Energy Metering (NEM) 3.0 solar power program.

Council Member McQuaid reported she attended the mixer, several webinars, and the United Against Hate Week event at University Village.

Mayor Gary reported no new meetings attended.

### 13. FUTURE AGENDA ITEMS

None

### 14. ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

Upcoming City Events – please check on City website [www.albanyca.org](http://www.albanyca.org) under City Calendar webpage for up-to-date information.

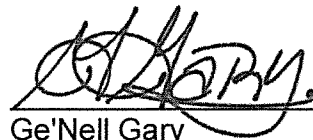
Upcoming City Meetings

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

There being no further business before the City Council, Mayor Gary adjourned the meeting at 10:23 p.m.

Minutes submitted by Anne Hsu, City Clerk.



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Ge'Nell Gary  
Mayor

Attest:



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Anne Hsu, City Clerk